



An
Bord
Pleanála

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

Inspector's Report ABP-311678-21

Strategic Housing Development

237 no. residential units (86 no. houses, 151 no. apartments), creche and associated site works.

Location

Old Slane Road, Mell/Tullyallen,
Drogheda, Co. Louth
(www.oldslaneroadshd.ie)

Planning Authority

Louth County Council

Applicant

Loughdale Properties Ltd.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht

5. An Taisce-the National Trust for Ireland
6. The Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. Louth County Childcare Committee
10. Meath County Childcare Committees
11. Meath County Council

Observer(s)

David Hughes
Michelle Hall

Date of Site Inspection

14th January 2022

Inspector

Rachel Gleave O'Connor

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History check SHD history	7
5.0 Section 5 Pre Application Consultation	8
6.0 Relevant Planning Policy	10
7.0 Statement of Consistency	13
8.0 Third Party Submissions	14
9.0 Planning Authority Submission	16
10.0 Prescribed Bodies	23
11.0 Assessment.....	25
12.0 Screening for Environmental Impact Assessment.....	58
13.0 Appropriate Assessment	63
14.0 Conclusion	75
15.0 Recommended Order.....	76
16.0 Reasons and Considerations	78
17.0 Conditions	82
18.0 Appendix A: EIA Screening.....	94

1.0 Introduction

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 has a stated area of 8.73ha and is located immediately adjacent to the M1 Motorway/N51 National Secondary Road (Drogheda North Interchange). The site is on the western outskirts of the town of Drogheda and approximately 2.5km from the town centre. To the west of the site lies the slip-road for southbound traffic to the M1 motorway with the boundary comprising deciduous screen planting on the motorway side of the fence. To the north the site is bound by the R168 with the boundary formed of timber post and rail fence with overgrown mature hedgerow. There is an agricultural access to the site from the R168. The road is located some 1-3m above the level of the site. To the east, the site abuts a stream (flowing south towards the River Boyne 550m away) referred to as either the 'Kenny' or 'Mell' Stream. The stream is within a deep ravine, the eastern side of which is wooded. A portion of the eastern bank of the stream is within the redline boundary for the application. The M1 Drogheda Retail Park is located to the east of the site on the opposite side of the intervening ravine. To the south the site abuts agricultural land and houses and extends to Slane Road (otherwise referred to as Old Slane Road).
- 2.2. There are no public footpaths in front of the site on the R168 or Slane Road. There are intermittent stretches of footpath on Slane Road between the site and Leonard's Cross to the east. The application redline includes extents along the R168 and Slane Road.
- 2.3. The site itself is currently formed of unmanaged grassland, sloping generally downhill from north to south with an overall fall of 20m, as well as a steep decline into the stream ravine of 10m to the east of the site. There are remains of some hedgerows on the site. There are mature trees to the southern end of the site. There are two sets of 10kV power lines traversing the site from east to west. The lines are above ground where they traverse the eastern side of the site. There is a 38kV line

traversing the northwestern portion of the site. There are views from the site of the cable-stayed M1 bridge (Mary McAleese Bridge) over the River Boyne to the south.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development comprises the following:

- 237no. dwellings in detached, semi-detached, terraced/townhouse, terrace/duplex and apartment form.
- Buildings ranging in height from 1 to 5 storeys in the following mix: 19no. 1 bed, 98no. 2 bed, 99no. 3 bed and 21no. 4 bed.
- Apartment Block 5 will have an undercroft car park.
- All buildings have the option for installation of photovoltaic/solar panels on front/rear roof slopes depending on orientation.
- The development will also provide for a creche (488sqm), with potential capacity for 65 children.
- The overall quantum of public opens space provided to serve the development extends to c.9,240sqm excluding the riparian corridor along Mell Stream (also known as Kenny's Stream) and motorway buffer area.
- The planning application will include the construction of a footpath with public lighting from the northern site boundary along the southern side of the R168 providing a pedestrian only connection to the M1 Retail Park. This footpath will be constructed on an area that is currently an unused grass verge. These works will not affect the width of the R168 carriageway or hard shoulder. A single vehicular connection to the application site is proposed. This will be from the Old Slane Road at the southern boundary of the application site. Full footpath connectivity will also be provided between the application site along the Old Slane Road eastwards to the junction with the R168 at Leonards Cross. Works to the Old Slane Road provide for the provision of section of footpaths, revised road markings on the public road and public lighting. Full footpath connection will be available through the application site connecting the Old Slane Road to the south with the R168 to the north and then on to the M1 Retail Park.

- The planning application also includes all associated site development works including the provision of a pumping station and rising main to serve the development and associated infrastructure and service provision, landscaping, boundary treatments, roads, footpaths and cycle paths, public lighting, the provision of 1no. ESB substation, Electrical Vehicle charging points and ducting and removal of existing pylons/ESB poles within the site and diverting and undergrounding of existing overhead electrical cables.
- The site development works also provide for regrading/infilling of land levels within the site and the provisions of retaining walls/structures.

Key Figures

Site Area	Gross site area: 8.73 hectares Net development area: 6.16 hectares
No. of units	237 (86no. houses and 151no. apartments)
Density	38.5 units per hectare
Plot Ratio	0.31
Site Coverage	15%
Height	1-5 storeys
Dual Aspect	85%
Open Space	0.92 hectares (15% of net site area)
Part V	24 units
Vehicular Access	Slane Road
Car Parking	393
Bicycle Parking	267
Creche	488sqm

Housing Type	1 bed	2 bed	3 bed	4 bed	Total
No. of multi-level Apartments	19	80	12	-	111
No. Duplex / ground floor apartment units	-	17	23	-	40
No. of Houses	-	1	64	21	86
Total	19	98	99	21	237
(%)	(8%)	(41.3%)	(41.7%)	(8.8%)	

4.0 Planning History check SHD history

4.1. ABP Ref: PL15.235241 (PA Ref: 08/1148): Planning permission refused on appeal to An Bord Pleanála for a mixed-use residential development comprising of 345no. residential units, a creche, retail/community building and associated parking and service infrastructure. Vehicular access to the development proposed under the previous planning application was to the N52 (now reclassified to R168). The application was refused for the three reasons as follows:

1. The proposed development would contravene materially policy TC 9 of the Lough County Development Plan 2009-2015, as it does not qualify in respect of the exemptions outlined in Column 3 of Table 8.2 – for development requiring a new entrance onto National Routes. The proposed development would also be at variance with the policy of the National Roads Authority in relation to control of frontage development on national roads, as outlined in their Policy Statement on Development Management and Access to National Roads. It is considered, therefore, that the proposed development by itself, and by the precedent which a grant of planning permission would set, would adversely affect the operation and safety of the national road network at the point where the maximum speed limit applies. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would result in a diminution in the traffic-carrying capacity and efficiency of the national road network in the vicinity of the site, particularly in relation to the additional distances vehicular traffic would be required to travel, arising from the proposed left-in/left-out access arrangements. This would render the road network unsuitable to carry the increased road traffic likely to result from the proposed development. The proposed development would, therefore, be contrary to the proper and sustainable development of the area.
3. The development fails to provide for pedestrian linkage(s) to Drogheda, which would incorporate the construction of a footpath on the N51 and/or the Old Slane Road. The proposed development would, therefore, endanger pedestrian safety by reason of traffic hazard.

(NOTE: since the time of the above application, the road to the north of the site has been reclassified from a national road to the R168).

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place via video call with An Bord Pleanála on 22nd May 2020 in respect of a proposed development of 242no. residential units.
- 5.2. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated 26th June 2020 ABP Ref. ABP-306875-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. It was noted that further consideration/amendment or justification of the following: Landscape strategy, and Pedestrian and Cycle connections. Specific information was also requested.
- 5.3. **Applicant's Statement**

- 5.4. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:
- 5.5. Opinion item 1: A Landscape Design Rationale is submitted and explains the approach to landscaping across the site in response to ABP opinion no.1. It is also explained that the landscape works are not proposed along the side slopes of the ravine which have a gradient greater than 50% and out of view from the site access road and proposed dwellings. To provide modest pedestrian access to the ravine would require significant civil works and impact negatively on the unique landscape character and protected view status. Noise walls in proximity to dwellings have also been considered as part of the landscape plan and specific boundary treatment details are provided.
- 5.6. Opinion item 2: Pedestrian and cycle connectivity from the north of the application site in an eastwards direction along the south side of the R168 to access the M1 retail park facilities and bus stop are shown in submitted drawings (2197-8/104, 2197-2/107 & 2197-2/115 and Atkins drawings 5192260/HTR/SK/005, 5192260/HTR/SK/0006 and 5192260/HTR/SK/0007). Works to Old Slane Road are detailed in submitted drawings 5192260/HTR/SK_0002 and 0004 and the Road Engineering Report provides details of proposed works. Section 6.8 of the submitted Traffic and Transportation assessment outlines survey information for Barrack Lane.
- 5.7. Specific Information
- 1) A Residential Amenity Report is submitted as well as overshadowing analysis.
 - 2) A Traffic and Transport Assessment and Mobility Management Plan is submitted.
 - 3) The submitted Architect's Design Statement and Drawings provide details of materials and finishes.
 - 4) A Building Life Cycle report is submitted.
 - 5) Photomontages and CGIs are submitted.
 - 6) Drawing 2197-2/126 describes areas to be taken in charge.
 - 7) An Acoustic Design Statement and Noise Risk Assessment are submitted.

8) Drawing 2197-2/109 describes the proposed phasing, a table is also set out in the Response to ABP Opinion report.

9) A Statement of Material Contravention has been submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The National Planning Framework 'Project Ireland 2040' 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.

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Architectural Heritage Protection Guidelines for Planning Authorities.

Other relevant national guidelines include:

- Housing for All – a New Housing Plan for Ireland 2021.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

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

6.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- 6.2.2. The site is located with the Drogheda, recognised as a regionally important larger settlement in the RSES. Regional Strategic Outcomes (RSOs) include: '1. Sustainable Settlement Patterns: Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth.' Drogheda is a Regional Growth Centre under the RSES defined 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 wide catchment area. Drogheda is the Core Region area.
- 6.2.3. The RSES includes Growth Enablers for the region, and specifically that significant growth be targeted in Regional Growth Centres, including Drogheda, to enable them to act as regional drivers. Growth Enablers for the Dublin-Belfast Economic Corridor include the compact and focused growth in the Regional Growth Centres of Drogheda and Dundalk to grow to city scale. Growth Enablers for the Core Region include Drogheda to realise its potential to grow to city scale and secure investment to become a self-sustaining Regional Growth Centre on the Dublin-Belfast Economic Corridor, driving synergies between the Drogheda-Dundalk-Newry cross border network.
- 6.2.4. Drogheda is specifically addressed from page 60 of the RSES. Regional Policy Objectives for Drogheda are described on page 65.

6.3. **Local Planning Policy**

- 6.4. The Louth County Development Plan 2021-2027, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards. The County Development Plan provides the basis for the settlement strategy of the county and Drogheda is designated as a 'Regional Growth Centre.'
- 6.5. The site is zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities. The site is located within the boundaries of the Southern Environs of Drogheda Combined area applicable to Meath and Louth County Council areas. This is part of a joint urban area plan as required under the RSES that is yet to be adopted.

6.6. Relevant policies and objectives under the Louth County Development Plan 2021-2027 (LCDP) include the following:

CS1: To secure the implementation of the Core Strategy and the Settlement Strategy in so far as practicable, by directing growth towards the designated settlements, subject to the availability of infrastructure and services.

CS3: To support and manage the self-sufficient sustainable development of all settlements in a planned manner, with population growth occurring in tandem with the provision of economic, physical and social infrastructure.

CS4: To apply phasing to the delivery of new residential development as indicated on the zoning maps for the applicable settlements, whereby residential development other than infill, brownfield or mixed use development will generally only be permitted on Phase 1 lands...

Chapter 3 of the LCDP sets out the policies as they relate to housing and chapter 4 describes policies relating to social and community.

Chapter 9 describes policies to protect built heritage including archaeological areas and national monuments. Policies also relate to the UNESCO site of Brú na Bóinne.

Chapter 13 sets out the Development Management Guidelines for development in the area.

7.0 **Statement of Consistency**

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines and the Development Plan and I have had regard to same. A Material Contravention Statement also accompanies the application with respect to the Louth County Development Plan 2015-2021, the Local Area Plan for Drogheda Northern Environs 2004 and the Drogheda and Northern Environs Core Strategy 2011, specifically in relation to the following:

- The Drogheda and Northern Environs Core Strategy under variation no.1 of the Drogheda Borough Council Development Plan 2011-2017 and variation no.1 of the Louth County Development Plan 2009-2015;
- North Drogheda Environs Local Area Plan Masterplan Objective; and
- Building Height and Policy TC 8 (Motorway setback) of the Louth County Development Plan 2015-2021.

7.2. The Louth County Development Plan 2021-2027 came into effect on the 11th November 2021 and is now the operational plan for the County. As such, the following plans are no longer in effect:

- Louth County Development Plan 2015-2021;
- Drogheda Borough Council Development Plan 2011-2017; and
- North Drogheda and Environs Local Area Plan.

7.3. The matters described in the submitted Material Contravention Statement are therefore no longer applicable. Relevant policy adherence is described in detail as part of the planning assessment described in section 11 below.

8.0 **Third Party Submissions**

8.1. 2 no. responses were received from third parties in relation to the application and the main matters raised are summarised below:

8.2. General, nature, principal of the development

- The application should adhere to the new Louth County Development Plan 2021-2027.

8.3. Traffic and Transport

- Traffic calming measures have been called for along Slane Road.
- The development will nearly double the current number of properties along Slane Road.
- Impact of 108 properties currently under construction at Tullybrook Estate and 16 approved apartments at Boyne Meadows Estate has not been considered. Impact of two large zoned plots within 1k of the development have not been

considered in terms of traffic growth (46 acres frontage to Slane Road and 60 acres frontage to R168).

- Inaccuracies in the volume and speed surveys undertaken as survey points did not count traffic from Boyne Hall, Boyne Close, Boyne Lodge or Oldbridge Estates, or Oliver Plunketts GAA pitch.
- The council has acknowledged that safety improvements are required on Slane Road / Leonard's Cross, but no timeline or budget for these works.
- Excessive number of car parking spaces proposed.
- Public transport connections are poor, request consultation with NTA and Bus Eireann to increase early morning services.

8.4. Water infrastructure

- Sewage infrastructure cannot support the proposed development. There are currently unresolved issues with the existing infrastructure.
- Proposed to locate the rising main and decompression chamber close to existing mature trees. Irish Water requires works to be outside of 1m of exiting planting.

8.5. Design

- Equipped play and other community amenities should be installed in phase 1.

8.6. Amenity

- Boundary noise walls and protective planting should be installed prior to construction of houses.

8.7. Archaeology

- Concern that the proposed development is being built on land within the map outline for the Battle of the Boyne site. Request licensed archaeologists carry out detection surveys on the field.

8.8. Natural Environment

- The submitted AA does not rule out significant negative results to 5 EU sites.

- There could be moderate to high groundwater contamination by humans to the Karst system.

8.9. Sustainable Energy Generation

- The developer should install solar panels instead of giving the option to homeowners.

8.10. Mix

- Consideration should be given to increasing the number of 1 bed units proposed.
- Part V housing should be increased to 20%.
- Policy HOU 27 of the LCDP requires at least 1% of single storey units per 100 residential units.

8.11. Enclosures

News extracts, records and photographs relating to Tullybrook Estate extension; News extracts and records relating to Boyne Meadows Apartments; Photographs of sewage inspection 5th November 2021; Extracts illustrating the extent of the Battle of the Boyne site (Irish Battlefields Project).

9.0 **Planning Authority Submission**

9.1. Louth County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

9.2. Principle of Development

9.3. The development is consistent with the Land Use Category and Phasing Strategy A2 New Residential in Phase 1 as set out in the Louth County Development Plan 2021-2027. It is also considered to be in compliance with national policy guidance, namely the National Planning Framework, which highlights the need for compact growth. The development of these lands will provide consolidation of the town and environs through the development of the lands at appropriate density and ensuring continuity in connections to the town centre.

9.4. Density, Plot Ratio and Height

9.5. The proposal achieves a density of 38.5 units per hectare and complies with the requirements of the LCDP and national policy. The Authority recognises that the topographical constraints on site have impacted on the plot ratio achievable and as such is acceptable in this instance.

9.6. The proposed layout includes a mix of unit types and a range of heights between 1 to 5 storey over undercroft car parking. Justification and a rationale of the proposed height is described in the application. The provision of greater height is welcomed particularly at this key location, adjacent to the M1 interchange where they will create a focal point and provide a strong urban edge.

9.7. Housing Mix

9.8. The scheme provides a good mix of units and adaptable units to cater for varying demographics. Having regard to the requirements of section 13.8.13 of the Plan a second single storey unit is required in the scheme. This may be addressed by way of a planning condition. It is considered that the provision of the additional unit should not increase the overall number of residential units applied for but rather should be provided within the existing footprint of buildings proposed. Such a reconfiguration is not considered to give rise to new material planning considerations.

9.9. Phasing

9.10. The phasing strategy pertaining to the creche facility, Part V provision and landscaping is considered to be satisfactory. The Planning Authority would have concerns in relation to the delivery of mix and range of unit types within each phase. For example, the majority of the one and two bed units / higher density elements remain within the latter phase of the development (Phase 4) and the lower density elements are predominantly within Phases 1 to 3. It is acknowledged that it is difficult to ensure the delivery of a mix of units more evenly.

9.11. In order to access local services and facilities and the nearest bus stop located in the M1 Retail Park, it is pertinent that pedestrian linkages be delivered in phase 1 before units are occupied. This may be addressed by way of a planning condition.

9.12. Design

- 9.13. The development adequately addresses the 12no. criteria as set out within the 'Design Manual – A Best Practice Guide' in most regards. The level of overall connectivity through the site is adequate.
- 9.14. The alignment of the Old Slane Road cannot accommodate designated cycle facilities. The applicant advocates that given the design speed of it, it can be safely utilised and shared by cyclists and traffic.
- 9.15. The PA is concerned that the landscaping plan and boundary fencing proposed somewhat severs the development from the Kenny Stream and ravine, as opposed to using it and integrating it into the scheme. This relationship requires further consideration and a condition is requested to address this.
- 9.16. The applicant has not identified proposals pertaining to existing lane to the south of the site which links it to the Old Slane Road within this landholding. Clarity is required in this regard.
- 9.17. Residential Amenity for Apartments
- 9.18. A housing quality assessment report has been submitted which illustrates that the scheme is substantially in compliance with provisions of the Design Standards for New Apartments – Guidelines for Planning Authorities 2020.
- 9.19. Having regard to Section 6.7 of the Guidelines given the lower ADF values, the applicant is required to include compensatory design solutions. It is recommended that such solutions be submitted for the written agreement of the planning authority prior to the commencement of development and that the applicant demonstrate if increasing the floor to ceiling heights at ground level in Blocks 5 and 6 would be beneficial in this regard.
- 9.20. Provision for storage for bulky items is required in Block 6 and this can be addressed by planning condition.
- 9.21. The bins storage / collection facilities are proposed in four different locations within the communal courtyard of Block 6. These would visually intrude and would impact negatively on the amenities of this area. The incorporation of such facilities within the building footprint would be more appropriate. Clarification is also required in relation to individual needs of residents in multi-unit buildings in relation to segregated waste streams.

- 9.22. Overall the authority is satisfied that the scheme would provide for quality urban development and a quality residential environment for future occupants subject to the aforementioned matters being addressed.
- 9.23. Access and Transport
- 9.24. The authority's Infrastructure section have recommended that planning permission be granted subject to conditions and the Planning Authority concur with this.
- 9.25. Safety improvements are required at the junction of the Old Slane Road and Trinity Street. These have been reviewed and it is considered appropriate that a special contribution be applied by condition for a portion of the costs in respect of improvements which will facilitate this development. A condition is also requested to ensure compliance with LCDP requirements with respect to electric vehicle charging points.
- 9.26. Open Space
- 9.27. The open spaces and pocket parks proposed are functional and attractive. However, the planning authority has concerns as to how the development relates to the Mell Stream and its ravine.
- 9.28. The applicant's lands extend to an area located west of Kenny's Stream. The planning authority considers that, in association with the adjoining landowner to the east, there is an opportunity to provide for a circular, informal track in proximity to the stream within the ravine. The authority concurs with the applicant that 1.8m path along areas, particularly to the north of the site where gradients are steepest would be intrusive in this environment. As such only an informal pathway(s)/tracks that would meander with the stream and contours are advocated. This would provide a unique and attractive recreation amenity for residents of all age groups and beyond be it for a stroll within a very natural setting or for exercise and training purposes with a sense of safety. A condition is requested in this regard.
- 9.29. Community facilities
- 9.30. The site is a well serviced site for the development of a childcare facility and the proposed location of the creche within the phasing strategy is appropriate.
- 9.31. Acoustics / light spill

9.32. To achieve acceptable noise levels, it is imperative that all recommendations of the submitted Acoustic Design Statement are adhered to. Details of the extent to which the development would be impacted by glare and light trespass from the adjacent motorway interchange lanterns and an assessment of the same on residential amenity do not appear to have been submitted for consideration it is requested that this be addressed by planning condition.

9.33. Flooding

9.34. The PA is satisfied with the conclusion of the submitted Site Specific Flood Risk Assessment. All new buildings are located in areas where there is no risk of flooding inundation. Services are located outside flood risk areas or at levels above extreme rainfall events.

9.35. Landscaping and Visual Impact

9.36. The PA has no concerns in this regard. The site is located in the existing built up area of Drogheda on an infill site, consequential visual impacts on surrounding heritage sites are considered negligible, particularly relative to the location of the site to the existing retail park and the Oldbridge estate and the Battle of the Boyne site.

9.37. Archaeology

9.38. The PA concurs with the recommendations in the submitted Archaeological Impact Assessment.

9.39. Overhead Electrical Cables

9.40. Policy objective IU 81 of the LCDP requires the under-grounding of electrical cables within new residential, commercial or civic developments. Confirmation of compliance with this policy is required.

9.41. Building Life Cycle Report

9.42. Brick and cladding are proposed to the outer elevations of Block 5 and 6 and the creche. However, rendered finishes are proposed to other elevations. The planning authority is not satisfied with this approach and has concerns as to the robustness and continued maintenance cost, a condition is requested in this regard.

9.43. Taking in Charge

9.44. The PA has no concerns.

9.45. Development Contributions

9.46. The Louth County Council Development Contribution Scheme is applicable to this development, detailed calculations are provided.

9.47. Conclusion

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

9.49. Recommendation

9.50. That planning permission is granted subject to 35no. conditions. Conditions of note are highlighted above.

9.51. **Planning Authority Internal Departmental Reports**

9.52. Infrastructure:

No objection subject to conditions.

9.53. Waste Management & Environment:

(a) Noise is a significant threat to the residential amenity of the proposed development. The acoustic plan submitted contains significant proposed engineering interventions to limit the impact of noise on the site and if the recommendations of the acoustic plan are implemented in full; (including those on phasing of acoustic interventions); noise impact should be reduced to acceptable levels.

(b) The multi-unit buildings details submitted do not address the individual needs of residents in multi-unit buildings.

(c) The large motorway interchange lanterns will affect residents. Glare and light trespass may be issues which could affect the residential amenity of some units. It is not clear that this concern has been addressed in the design submitted.

(d) Recommends that electric vehicle charging infrastructure is provided for in each residential unit and appropriate charging hubs be provided for multi-unit buildings to facilitate implementation of the governments Climate Action Plan 2021.

9.54. **Elected Members**

9.55. A summary of the views of elected members at the Municipal Meeting of Drogheda on Monday 1st November 2021 – Stage 3 SHD are set in the submitted Chief Executive Report and copied below:

- States that this development is on land which falls within the confines of the Battle of the Boyne Site as per the Irish Battlefield Project. As such is concerned that in the absence of detection surveys by archaeologists, historical evidence pertaining to the Battle of the Boyne Site may be lost.
- Notes that the Appropriate Assessment Report did not rule out significant negative results to five European Sites.
- Development should be respectful of its natural and historic location. Particular reference is made to King William's Glen, Townley Hall and the Boyne Valley.
- The application proposes an option of solar panels to future homeowners. Considers that the developer should install same.
- Considered that the provision of 393 car parking spaces is excessive and will not encourage active travel and will increase congestion on the Old Slane Road.
- Connections to public transport are poor. Details that the local bus service to the M1 Retail Park does not commence to 9.10am. Highlights that provision for commuters, particularly early morning services are required and recommends that the transport authority and Bus Eireann be consulted in this regard.
- Noise mitigation measures should be provided prior to the construction of the residential units.
- Concerned that moderate to high groundwater contamination by humans may impact on the rare karst systems in this location.

- Considers play spaces and other community amenities should be provided in Phase 1 of the development.
- Notes that 19no. 1 bed units are proposed – considers that an increase in 1 bed units be considered having regard to current housing needs in Ireland for smaller units.
- Concern that the scheme does not reflect the shortage of 4 bed units that prevails in Louth.
- Part V social housing provision should be increased to 20% given the ongoing housing crisis and waiting period for social housing in Drogheda.
- The Louth County Development Plan 2021-2027 is the operative plan.
- Proposals for the disposal of waste and ground water will protect the rare karst systems in this location.
- The NIS proposes mitigation measures to safeguard the European Networks from any significant impacts from this development.
- The provision of single storey properties (minimum of 1 per 100 dwelling units) is a requirement of the Development Plan (policy objective HOU 27) and should be provided.
- Concerned that moderate to high groundwater contamination by humans may impact on the rare karst system in this location.

10.0 Prescribed Bodies

10.1. Transport Infrastructure Ireland

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.

- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.
- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.5 of the Guidelines addresses development within transitional speed limit zones and states that the proliferation of entrances, which would lead to a diminution in the role of the transition zones, must be avoided. The Authority expects the Council to abide by such official policy provisions in this instance.

10.2. Irish Water

- In respect of Wastewater: Connection is feasible subject to a gravity sewer throughout the site draining to a new Pump Station discharging to the Irish Water network via a new rising main along the Slane Road. The developer is required to fund these infrastructure requirements. Irish Water will deliver the rising main in the public realm which will require a road opening licence. The developer will be required to deliver the necessary works within the site and will be responsible for obtaining any appropriate permissions required and must adhere to Irish Water Standard Details and Codes and Practices.
- Design Acceptance: Irish Water confirms that the applicant has been issued with a statement of design acceptance for proposals within the redline boundary. The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission.
- Conditions requested relating to connection agreement, no permission to build over assets and separation distances, and adherence to codes and standards.

10.3. Department of Housing Local Government and Heritage

- **Archaeology:** The Department has reviewed the submitted Archaeological Impact Report and concurs with the recommendation that the full excavation of the archaeological feature (Enclosure), that was discovered during the course of archaeological pre-development testing at the site is carried out. The Department recommends that the feature be fully archaeologically recorded (in situ) and excavated according to best practice. A detailed report to then be submitted to the Department. The Department recommends that all additional groundworks/topsoil stripping associated with the development shall be archaeologically monitored. Conditions requested regarding the same.
- **Nature conservation:** The findings of the submitted Natura Impact Assessment are noted including proposed mitigation measures. With the implementation of these mitigation measures to avoid pollution of surface water runoff, the Department accepts the conclusion of the submitted NIS that no significant adverse effect will result. Recommend that An Bord Pleanála should seek the advice of the Geological Survey of Ireland as to conditions which might be attached to a grant of permission for the development proposed in order to protect the scientific interest of the adjacent section of the Waterunderbridge – Dry Bridge County Geological Heritage Site, and that these conditions should be attached to any planning permission granted in response to the present application. Conditions also recommended with respect to the clearance of vegetation outside main bird breeding season, lighting design to conform with guidance note 08/18 (bats) and the agreement of a construction environmental management plan to incorporate measures set out in the NIS.

11.0 **Assessment**

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Density
- Height, Design and Visual Impact

- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Other Issues

11.2. Principle of Development

11.2.1. Zoning

11.2.2. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. Drogheda is recognised as a regionally important larger settlement in the RSES where significant growth is targeted. I also note the Governments new Housing for All Plan which identifies the need to increase housing supply as a critical action. The site is zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities. Residential and childcare facility are ‘generally permitted uses’ in this zone. The principle of residential development and creche on the site is therefore consistent with national policy and land use zoning under the Plan.

11.2.3. Archaeology

11.2.4. I note third party and elected member concern regarding the impact of the development of the site upon archaeological features of importance. I also note the Department of Housing, Local Government and Heritage comments with respect to Archaeology, their acceptance of the submitted conclusions regarding the same, and their recommended conditions should the Board determine to grant planning consent.

11.2.5. The subject site is outside of Appendix 9 of the LCDP 2021-2027 which describes the zone of archaeological potential in Drogheda. Policy BHC 12 of the current LCDP 2021-2027 states that a variation of the Development Plan may be required as a result of recommendations arising from the publication of ‘The Irish Battlefields Project’. Map extracts from this project were provided in a third party response to demonstrate the location of the subject site within the area of interest relating to the

battlefield, however I was unable to view the project myself and it does not appear to be freely available. Map 9.1 of the LCDP shows the Boyne Battlefield Sites and the subject site is within the highlighted battlefield site area. Policy BHC 13 of the LCDP seeks to protect historic and archaeological landscapes including battlefields from inappropriate development.

- 11.2.6. The subject site is also located outside of, and to the east of, the buffer zone of the designated UNESCO World Heritage Site of Brú na Bóinne (Map 9.2 of the LCDP 2021-2027). There are no recorded monuments situated within the site boundaries, however there are numerous archaeological sites within 1km radius from the site centre.
- 11.2.7. I consider potential visual impact upon heritage assets in the vicinity of the site as part of section 11.4 below, in this section I focus upon the potential for archaeological features on the subject site itself.
- 11.2.8. An Archaeological Impact Assessment is submitted with the application. This describes that the site includes a karst feature classified as a 'sinking river' running along the eastern site boundary (I consider the karst feature further in sections 11.9 and 13 below). The assessment also refers to the location of the site in an area relating to the Battle of The Boyne and that it cannot be determined whether there are associated encampments located within the subject site. A geophysical survey was undertaken on the site and identified six areas of interest. An earth-cut enclosure ditch was discovered during a programme of licensed archaeological test excavations at the site. The applicant states that the license to excavate this feature has been issued by the DCHG (now the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media). The submitted assessment describes the mitigation measures necessary to ensure that the proposed development does not result in negative impact upon archaeological remains.
- 11.2.9. I am satisfied that the submitted Archaeological Impact Assessment has given sufficient consideration and weight to the location of the site relative to the Battle of The Boyne. While exact routes are unknown, the findings of the assessment demonstrate that forces were likely in close proximity to the subject site on the old Drogheda-Slane Road. The assessment states that it is most likely that they passed the southern boundary of the subject site with their main focus being the River

Boyne. There are no historical archaeological findings on the subject site or features associated with the Battle. No potential archaeological features were recorded in aerial photos of the subject site. Test trenches were undertaken in 30 locations on the site in association with 6 areas of interest, however no archaeology was found during test trenching. One archaeological feature was discovered in the form of an earth-cut enclosure ditch which is currently undated, however the submitted assessment relates this to monuments in the immediate vicinity that date to late Bronze Age/Iron Age.

11.2.10. The assessment recommends full archaeological excavation of the earth-cut enclosure ditch prior to construction works, monitoring of works by a suitably qualified archaeologist and future naming of the proposed estate relate to the Battle of The Boyne. I am satisfied that with the incorporation of mitigation measures as described in the submitted assessment and in conditions recommended by the Department, the proposed development will not result in harm to archaeological features of significance.

11.3. **Density**

11.3.1. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' 2018, 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land. Drogheda is also targeted for significant growth in the RSES.

11.3.2. The LCDP gives recommended density and plot ratios in table 13.3 of the Development Management Guidelines. This states a recommended minimum density of 35 units per hectare for edge of settlement locations in regional growth centres, which would include the subject site in my opinion. A plot ratio of 1 is also described. Having regard to the Sustainable Residential Development in Urban

Areas Planning Guidelines and Circular NRUP 02/2021, the subject site can be considered infill residential development.

- 11.3.3. The Apartment Guidelines also indicate acceptable density ranges for development dependant upon the characteristics of the area. The subject site can in my opinion, be described as a 'Peripheral and / or less accessible urban location', where densities of less than 45 units per hectare would be expected.
- 11.3.4. The proposed development has a density of 38.5 units per hectare (uph). The site is located outside of the town centre but adjacent to, and walking distance to the M1 retail park where a bus stop is also located. The reasonable walking distance of the site to the amenities in the adjacent retail park, as well as accessibility to a bus stop, support a characterisation of this site as being appropriate for moderately increased density levels in my view. The site is however outside of the centre of Drogheda and over a 30 min walk from the town centre, therefore sustainable travel options to access the town centre would include bus and cycle, and therefore higher density development would not be appropriate on the site in my view. As such, a density of 38.5 units per hectare is therefore appropriate and reflects the national planning policy approach in my view. I note that the Planning Authority have confirmed they are satisfied that the proposed density can be absorbed at the location of the site.
- 11.3.5. I am satisfied that the proposed density is acceptable for the characteristics of this site, located adjacent to amenities in the M1 retail park, but outside of the main town centre area for Drogheda. In relation to plot ratio, the proposed development at 0.3 is less than the minimum 1 set out in the LCDP, however that minimum plot ratio is not expressed as a policy requirement. I note that the Planning Authority are satisfied that topographical constraints prevent the minimum plot ratio being achieved and the Development Management guidelines in the LCDP specifically allow for reduced unit numbers in such circumstances (section 13.8.3). As such, I am satisfied that no material contravention of the plan results. I am satisfied that the proposed plot ratio is acceptable for the site.

11.4. **Height, Design and Visual Impact**

11.4.1. Height, Scale, Mass, Form and Design

- 11.4.2. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) describe the need to move away from blanket height

restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. I note SPPR 4 in the guidelines in relation to greenfield or edge of city/town locations, which states that a greater mix of building height and typologies should be sought, and avoidance of mono-type building typologies. Paragraph 1.9 states that *‘these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.’* I also note national policy in Project Ireland 2040 National Planning Framework, and particularly objective 35 concerning increased residential density in settlements.

11.4.3. Development management criteria are also described in section 3.2 of the Building Height Guidelines to inform an assessment of appropriate heights. SPPR 3 requires that an applicant for planning permission sets out how a development proposal complies with criteria in section 3.2, and where a planning authority or An Bord Pleanála concur with this, a development may be approved even where specific objectives of the relevant development plan or local area plan may indicate otherwise. Section 13.8.6 of the LCDP reflects this national planning policy approach and states in section 13.8.6 that proposals for higher buildings in urban areas will be considered on a case-by-case basis with a key consideration being the contribution to the local environment. As a result, the proposed building height for the site does not represent a material contravention of the development plan, with height being considered on a case-by-case basis, and therefore SPPR 3 does not apply to this application. However, the criteria described in section 3.2 of the guidelines still provides useful considerations for the assessment of higher buildings (compared to surrounding context) and therefore I have regard to it as part of my assessment of the proposed height as set out below.

11.4.4. The proposed development comprises a range of building types and scales including single storey bungalow, 2 and 3 storey houses and duplexes, and 4 and 5 storey apartment blocks. The M1 retail park forms the predominate existing character to the east of the site and along the R168. To the south of the site, existing residential dwellings are predominately single and 2 storeys in scale. As such, the proposed development with a maximum height of 5 storeys, is a departure from the

established residential scale of the area and therefore regard of the criteria under section 3.2 of the Building Height Guidelines can assist in the consideration of the proposed building heights for the site given this context.

- 11.4.5. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by public transport. I note that the Building Height Guidelines refer to 'public transport with high capacity, frequent service'. In my view, the reference to capacity here is in relation to the frequency of services, with more frequent services ensuring a higher capacity route. I have described in sections 11.3 above the accessibility of the site. In my view, the subject site is not served by a frequent bus service, however, as outlined above SPPR 3 of the guidelines does not apply to this application. I am content that the scale of development is appropriate in light of the accessibility of the site. This is particularly in light of the identification of Drogheda for strategic growth under the RSES and the situation of the proposed apartments closest to the retail park where a bus stop and a range of services / amenities can be accessed (via improved pedestrian and cycle linkages as part of proposed works).
- 11.4.6. The second criterion relates to the character of the area in which the development is located. As set out above the prevailing height of existing residential dwellings in the area is 1-2 storey. While the proposed development includes heights in excess of this, the majority of the subject site footprint is proposed to accommodate 2 storey housing. The proposed development is arranged with the tallest elements (the proposed apartment blocks) situated to the north of the site, fronting onto the busy R168 road and the junction with the motorway, where the site is also proximate the larger scale blocks in the retail park. As the site extends to the south, the scale reduces to 2 and 3 storey, with 2 storey houses situated most proximate to existing residential dwellings. As such, I am content that the proposal responds appropriately to the character of the area.
- 11.4.7. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), the subject sites north-western corner bounds the junction and ring road for the M1 motorway and fronts onto the R168 road. The Building Height Guidelines specifically identify the important role that taller buildings can play in reinforcing the main centres of activity and marking important street junctions and transport interchanges. The subject site can be considered

strategically positioned in this sense, at the corner of the M1 and R168, where the proposed 4 and 5 storey apartment blocks provided an appropriately scaled marker for both this interchange and the significant retail centre to the east of the site. The 4 and 5 storey blocks proposed along this edge will also provide a more human scale along the busy R168 road. To the south of the site, the proposed 2 and 3 storey houses and duplexes are more in keeping with the established scale to residential dwellings adjacent to the site and in the wider area, and reflecting the grain of the existing urban neighbourhoods to the south.

11.4.8. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials). The proposed apartment blocks are illustrated as being finished in a mixed material palette of primarily brick (2 types) with areas of zinc cladding, there are is large fenestration incorporated into the design of the proposed apartment units which breaks up the form and mass of the facades, along with a variation of heights across the blocks between 4 and 5 storeys. The proposed housing, duplexes and creche are shown to be finished in a mix of brick and render. I note the Planning Authority have indicated dissatisfaction with the material finish of the proposed houses, duplexes and creche, suggesting a condition to require that this be altered. I am satisfied with the general approach outlined in the submission relating to material finishes, however I agree with the Planning Authority that render may not be the most appropriate material choice, as a result, I have included a condition requiring final approval from the Planning Authority for materials in the event that the Board determine to grant planning consent. The proposed layout responds to the established urban grain of the adjacent areas and the topography of the site abutting the stream. The overall arrangement of the site is rational in my opinion. Open space areas are included throughout the site extent, with good passive surveillance across areas. There are two pocket parks proposed, one to the north and one to the south west of the site. The public open space is focused alongside the banks of the stream in a riparian corridor along the western edge of the site. In terms of connections, the general approach taken in the proposed design is acceptable and would create good connections through the site and to the adjacent M1 retail park. Improvements are sought by the Planning Authority in terms of informal walkways through the riparian corridor and clarity

around a lane to the south and I have recommended the inclusion of conditions in this regard should the Board determine to grant consent.

11.4.9. The proposed development will provide increased diversification of housing typology in the area which is currently predominately self-contained dwelling houses. The incorporation of apartments and duplexes on the site will therefore be a positive contribution to the mix of typologies in the area (a 3.2 criterion).

11.4.10. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 11.5 and 11.6 of this report. The submission of specific assessments is also referenced in the guidelines and reports sufficient to assess a development of the scale proposed have been submitted. I note the applicant's documents that have informed my assessment, including (but not limited to) the submitted design statement, viewpoints / CGIs, daylight and sunlight report, ecological impact assessment and NIS.

11.4.11. Overall, I am satisfied that the proposed development broadly conforms with the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to above. As part of this, I note that the proposed development does not amount to a material contravention of the LCDP in relation to height, with the development plan requiring that higher buildings be assessed on a case-by-case basis. I also note that no concerns have been raised by the Planning Authority, prescribed bodies or third parties regarding the proposed height.

11.4.12. Visual Impact

11.4.13. The application includes a Heritage Impact Assessment and Landscape and Visual Impact Assessment. The Heritage Impact Assessment identifies recorded archaeological sites within 1km of the subject site including national monuments to the north, as well as the designated UNESCO World Heritage Site of Brú na Bóinne to the south. The subject site is situated outside both the core area and buffer zone to the UNESCO site. There are also 3 designated heritage structures within approximately 1km of the proposed development that are listed in the NIAH (2 farmhouses in Mell NIAH no.13902408), and one is also a designated protected structure in the LCDP (Drybridge House RPS no. LHS)24-008). A Special

Conservation Area is situated further to the south of the site and bounds the River Boyne. The Oldbridge Architectural Conservation Area and Townley Hall Architectural Conservation Area are also located in the wider area proximate to the site. None of these designated features are located immediately adjacent to the site. The subject site itself is located within the area highlighted in map 9.1 of the LCDP as within the battlefield area for The Battle of the Boyne.

11.4.14. Protected views relevant to the UNESCO site are identified in the Meath County Development Plan 2021-2027, which is the authority area situated to the south of the subject site. Chapter 8 of the LCDP also identifies protected views and prospects in Louth. The submitted Heritage Impact Assessment and Landscape and Visual Impact Assessment both address protected views, however reference is given to the previous Development Plans for both Louth and Meath. At the time of this assessment, more current Development Plans have been adopted for both of these authority areas and these are the plans I refer to in my assessment. The assessment provided in the submitted assessments are still relevant however, as the views identified reflect the same or similar locations under the current adopted plans insofar as they relate to the current application.

11.4.15. Section 13.19.9 of the LCDP describes development management criteria that applies to the assessment of applications in the Brú na Bóinne UNESCO site and the Battle of the Boyne site area. The criteria is related to the assessment of potential visual impact upon these protected heritage sites and requires the submission of a visual and architectural heritage impact assessment. I note that the LCDP 2021-2027 includes maps to identify protected views and prospects as part of Chapter 8. This includes VP29 which is located in the area of the M1 retail park and this is confirmed in the composite zoning map for Drogheda in the LCDP. VP29 is indicated to be a view in a southerly direction and described as 'Waterunder Plateau overview of Battle of the Boyne Site (Williamite Army)'. The Chief Executive Report does not refer to this view directly but concludes that *'consequential visual impacts on surrounding heritage sites are considered negligible particularly given the location of the site relative to the existing retail park and the Oldbridge estate and the Battle of the Boyne Site.'*

11.4.16. A Heritage Impact Assessment is submitted with the application and considers potential impact of the proposed development in viewpoints relative to surrounding

ACA areas (Oldvridge House and Townley Hall), the Battle of the Boyne site and the UNESCO Brú na Bóinne site. This concludes that the impact is neutral or slight in all cases, and therefore no significant visual impact would result upon heritage assets as a result of the proposed development. A Landscape and Visual Impact Assessment is also submitted and identifies the location of protected views under both the Meath and Louth Development Plans. Viewpoints around the subject site are also provided with an assessment of potential impact. The submitted Landscape and Visual Impact Assessment includes viewpoint 5 that would be relevant to the proximate position of VP 29. Other viewpoints are also provided that do not relate to protected views under the Development Plans. The viewpoints provided are intended to illustrate the potential visual influence of the proposed development. The A3 rendering booklet provided with the application includes illustrations of the proposed development in selected viewpoints and has also assisted me in my assessment.

11.4.17. In my opinion, in terms of protected views, the scale, location and context of the proposed development limits its potential for effect upon all protected views under the Development Plans. The Landscape and Visual Impact Assessment (LVIA) concludes that minor neutral effect is anticipated to all views, with the exception of viewpoints 2, 4, 5 and 6, where moderate neutral effect is predicted. Viewpoints 2 and 4 are from outskirt areas to the north of the subject site and from higher ground. These viewpoints do not relate to protected views and the moderate impact relates to the change in site condition from undeveloped, to developed, in these views. This change is in keeping with the infill character of the subject site and I am satisfied that the overall effect is neutral as described in the submitted LVIA. Viewpoint 6 is to the south of the subject site looking north and is not reflective of a protected view. Again, the moderate impact can be described as reflecting the change in site condition, which in my view is acceptable for this infill site, and I concur with the overall effect being described as neutral in the LVIA. Viewpoint 5 is proximate to the general location of VP 29 albeit in a south westly direction. Again, the moderate impact relates to the change in development condition of the site with an overall neutral effect anticipated in the LVIA.

11.4.18. I am satisfied that the overall effect would not be significant as described in both the submitted Heritage Impact Assessment and LVIA. I concur with this conclusion given

the context of the site adjacent to the M1 retail park which already has a strong visual presence in the area.

11.4.19. In my opinion, the proposed development is not of a scale or situated sufficiently proximate to any Conservation Area, any protected structures or structures listed on the NIAH, or national monuments and archaeological features to have any visual impact. The proposed development is also sufficiently separate to the internationally important archaeological site and its buffer and would not have negative visual effect upon the setting of the UNESCO site. While located within the Battle of the Boyne site area, the proposed development would not significantly impact views given the context of the site adjacent to the M1 Retail Park and the vegetative screening at site edges. The proposed development also preserves vistas through the site of the Mary McAleese Bridge through the locating of a single storey bungalow to prevent intrusion into this view, albeit being an unprotected view.

11.4.20. The immediate setting of the subject site is currently characterised by the M1 retail park, motorway and R168, and in this context, the proposed development reflects an extension of this urban character across the site. The proposed development would represent the continued built extension of the settlement, reflecting the infill character of this site zoned for residential use. The proposed buildings are between 1 and 5 storeys in height and reflect the urban character of the site currently defined by the retail park and both the M1 and R168 roads. The proposed scale is particularly appropriate given the location of the site adjacent to these busy roadways and will assist in providing a more human scale along these edges.

11.4.21. I am therefore satisfied that the proposed development would therefore be acceptable and would not be harmful in terms of visual impact upon either conservation areas, heritage structures or archaeological features in the area, with specific regard to the Battle of the Boyne site area, protected viewpoint VP 29 and the Brú na Bóinne UNESCO site to the south.

11.5. Neighbouring Residential Amenity

11.5.1. Daylight and Sunlight

11.5.2. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout

Planning for Daylight and Sunlight – A guide to good practice’ and ask that ‘*appropriate and reasonable regard*’ is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 ‘Lighting for buildings - Code of practice for daylighting’, which has subsequently been withdrawn and replaced by BS EN 17031:2018 ‘Daylight in buildings’. Section 13.8.10 of the Development Management Guidelines also refer to the BRE guidelines. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

11.5.3. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

11.5.4. The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...” (para. 2.2.4)

11.5.5. The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

11.5.6. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property ‘is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.’ Therefore, the preservation of a minimum VSC of 27% and reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight

to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

11.5.7. The application includes a Daylight and Overshadowing Study, this includes analysis in relation to the existing surrounding dwellings on Slane Road to the south of the site. No other properties are sufficiently proximate to the site to warrant assessment. The submitted study confirms that with respect to both daylight and overshadowing, the proposed development conforms with the BRE guideline target levels and there is no significant impact upon adjacent properties daylight or from overshadowing from the proposed development. Specifically, 100% of the windows assessed to adjacent properties retain a VSC of greater than 27% in the proposed condition and there is no additional overshadowing to existing residential amenity areas. While the submitted study does not specifically discuss ASPH levels to existing properties in the proposed development condition, I am satisfied that given the orientation of proposed built form closest to dwellings on Slane Road, there would be no perceptible alteration to sunlight and associated APSH levels to existing adjacent dwellings as a result of the proposed development.

11.5.8. Overlooking (Privacy)

11.5.9. Section 13.8.9.1 'Privacy' of the Development Management Guidelines in the LCDP asks for a minimum of 22m separation between directly opposing first floor habitable rooms in residential properties. The proposed development has a separation that exceeds 22m to adjacent existing dwellings in all cases.

11.6. **Proposed Residential Amenity**

11.6.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation.

11.6.2. Daylight, Sunlight and Overshadowing

- 11.6.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Design Standards for New Apartments states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards. I also note that the Development Plan in section 8.2.3.1 asks that BRE standards be taken into account when assessing development proposals.
- 11.6.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens form part of living areas the applicant has applied an ADF of 2% to these areas. The applicant's assessment presents analysis of the lowest floor of accommodation to each apartment block, presenting the results of upper floors where lower level accommodation did not meet BRE target ADF levels. This is an appropriate approach in my view as daylight conditions will generally improve in a building vertically, so if daylight conditions are met at the lower level, it can be assumed upper level units also comply.
- 11.6.5. The submitted report describes a compliance rate of 91% against BRE target levels. This increases to 98% if a reduced ADF target of 1.5% is applied to open plan living / kitchen / dining rooms. The applicant describes that throughout the design process, testing and sampling was carried out across the development to improve the quality of the apartments, with window widths increased and balconies reduced in depth.
- 11.6.6. In relation to sunlight and ASPH, the submitted study does not describe conditions within the proposed development in this regard. However, I am satisfied that the orientation of the proposed blocks has sought to maximise sunlight penetration into the proposed apartment blocks. I also note that sunlight levels to individual units is not a specific consideration in either the Building Height or Apartment Guidelines.

11.6.7. I note that the Planning Authority request that specific compensatory measures be outlined and provided by the applicant to those units that do not achieve recommended BRE target levels. The Building Height Guidelines state that:

“Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”

11.6.8. I have identified above the compliance of the development against BRE targets. In my view, it does not have to be the applicant that identifies the compensatory measures for units that do not fulfil the BRE criteria, and I am able to undertake this assessment myself. As set out in the design section of this report at 11.4 above, the subject site can be considered strategically positioned on the corner of the M1 and R168. To appropriately address this context and provide adequate frontage for an effective streetscape solution, the orientation of blocks here includes northerly aspects. However, the applicant has minimised the adverse effect this might have on light conditions within units, by maximising the number of dual aspect units, focusing on southerly aspects where possible and locating circulation areas along the northern façade in places. The provision of balcony areas will also inevitably reduce daylight to units below, however these spaces are required as part of private amenity space consideration under guideline requirements, and therefore to require their removal to prioritise daylight conditions would not be appropriate in my view. Units that fall below BRE target levels also all benefit from views over either communal open space, public park or riparian areas, which is appropriate compensation for lower daylight levels in my opinion. Overall, the vast majority of units meet BRE target levels for daylight and I am satisfied with the overall condition of units in consideration of wider design requirements and compensatory measures as outlined above. I also note that third parties have not raised any concerns regarding daylight / sunlight conditions in the proposed development.

11.6.9. In reaching this conclusion I am mindful that the BRE guidelines state in paragraph 1.6 that:

“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.

11.6.10. **And, specifically that:**

*“Although it gives **numerical guidelines**, these **should be interpreted flexibly** since natural lighting is only one of many factors in site layout design.”* (My emphasis).

11.6.11. In relation to overshadowing, the submitted analysis is of communal amenity areas to the proposed apartment blocks. This demonstrates that all proposed communal external amenity areas for apartment blocks in the proposed development will achieve BRE target levels.

11.6.12. In relation to the proposed house and duplex units, these are between 1 and 3 storeys in height, limiting the extent of overshadowing that may result. Separation between blocks and dwellings is also acceptable and will limit the degree of obstruction that could result between blocks in the proposed development. All of the proposed house and duplex dwellings are dual aspect, maximising available light and ventilation to both the self-contained housing and duplex units proposed. Buildings proximate to the subject site are not of a scale or height that would generate significant obstruction to light or overshadowing of areas.

11.6.13. Overall, I am satisfied that the proposed development will experience acceptable daylight, sunlight and overshadowing conditions and that it does accord with criteria described in the BRE guidelines, albeit, in recognition that this guidance is flexible and requires a reasoned judgement to be made on all aspects of design.

11.6.14. Dual Aspect

11.6.15. The Apartment Guidelines state that in SPPR 4 that a minimum of 50% dual aspect apartments is required in suburban or intermediate locations, such as where the subject site is located.

11.6.16. The proposed development of apartments and duplexes has a total dual aspect provision of 85% in excess of apartment standards minimum requirements. There is one single aspect northly facing unit in the proposed development, however this

benefits from views over a proposed park area and therefore I am satisfied with the amenity levels for that unit.

11.6.17. Proximity to the M1 Motorway

11.6.18. The M1 motorway bounds the subject site to the west. The proposed development includes a western landscape buffer strip to this edge of the site and an Acoustic Design Statement is submitted to describe the mitigation measures incorporated into the proposed design and elevation treatment to reduce noise exposure for future residents of the development.

11.6.19. The Planning Authority's Waste Management and Environs team have confirmed that with the incorporation of the intended mitigation measures, noise levels will be reduced to acceptable levels for future occupiers. The team also requests further information with respect to light and glare from adjacent motorway interchange lanterns and how this might impact future occupiers living conditions. I am content that this matter can be adequately addressed by condition, and any impact would be mitigated through the final specification of materials. For example, through glazing specification that restricts glare or the incorporation of louvres to limit light exposure.

11.6.20. The submitted Acoustic Design Statement describes 'noise walls' proposed along the western edge of the site with the M1. These walls are also shown in a submitted boundary treatments plan. The facades to the proposed development are also detailed with use of triple glazing and ventilation systems to prevent noise exposure. Winter gardens are also proposed instead of balconies to those units closest to the M1 and R168 roads.

11.6.21. I note third party request that noise mitigation be implemented prior to the construction of houses. The applicant describes the delivery of noise walls to the south of the site as part of phase one construction works for proposed houses at that end of the site. The remaining noise walls are proposed for delivery as part of phase 2. Other mitigation measures are in the fabric of the proposed buildings and therefore would be delivered as part of those works. I am satisfied with the approach outlined by the applicant in this regard.

11.6.22. In relation to noise from roadways, I am satisfied that the proposed development has taken adequate account of this in the proposed design and that the implementation of features and building fabric as described in the submission will ensure satisfactory

conditions for future residents of the development. I have included a condition to require implementation of these mitigation measures which can be relied upon in the event that the Board determine to grant planning consent. In relation to potential glare, this can be addressed through the selection of the final materials and specifically glazing treatment for the development, and I have included a condition regarding the same.

11.6.23. Internal Space Standards

11.6.24. All of the proposed apartments conform with the minimum floor area standards and the majority of proposed units also exceed minimum floorspace sizes by 10% in accordance with the Apartment Guidelines. In addition, all of the proposed houses comply with the minimum space provisions set out in the LCDP.

11.6.25. I note the Planning Authority comments with respect to storage areas. The proposed apartment units all have internal storage provided in conformity with minimum standards described in the Apartment Guidelines. Proposed apartment block 5 also includes storage lockers for bulky storage at undercroft / basement level. Within proposed apartment block 6 there are a number of duplex units at ground floor with individual external stores in their garden area. The proposed apartment units in block 6 do not have a bulky storage area. The Apartment Guidelines state that bulky storage areas should be encouraged, but does not express a minimum requirement in this regard. As such, I do not agree with the Planning Authority that further bulky storage is required for proposed apartment block 6 and I am satisfied with the overall storage provision in the proposed design.

11.6.26. Floor to Ceiling Heights

11.6.27. SPPR 5 of the Apartment Guidelines states that a minimum of 2.7m floor to ceiling height should be provided at ground level to apartment blocks. The proposed development conforms with this requirement. I note that the Planning Authority has requested that the applicant examine whether increasing floor to ceiling heights would improve daylight levels in the development, however, as outlined above, I am satisfied with the overall performance of the development against BRE criteria, specifically in consideration of wider design considerations and compensatory measures. As a result, and in light of the proposed development achieving the

minimum floor to ceiling measurement described in the Apartment Guidelines, I do not agree with the Planning Authority that any increase is necessary.

11.6.28. Number of Apartments to a Core

11.6.29. The proposed development does not exceed 12 apartments per core in accordance with policy standards described in the Apartment Guidelines.

11.6.30. Refuse Storage

11.6.31. Provision for refuse storage is accommodated within the private garden amenity space for housing / duplex units. Standalone bin stores are proposed for the apartment blocks. For proposed apartment block 5, the location of these stores is acceptable in my view. The Planning Authority has raised concern regarding the location of the bin stores for proposed apartment block 6. I concur with these concerns. The bin stores are situated within the proposed central communal courtyard amenity area and would detract from the amenity value of this space for residents. As a result, I have included a condition that can secure an alternative arrangement/location for the bin stores to block 6, should the Board be minded to grant planning consent.

11.6.32. Privacy

11.6.33. Adequate privacy is accounted for in the layout of the proposed development, with separation between upper level habitable room windows meeting minimum requirements under the development plan.

11.6.34. Private Amenity Space

11.6.35. Private garden areas are provided to the proposed houses, while private amenity in the form of either terrace, balcony or winter garden is provided for the proposed apartment / duplex units. All of these areas conform with the minimum standards set out in the Apartment Guidelines and LCDP as applicable.

11.6.36. Communal and Public Open Space

11.6.37. Central courtyard areas are provided to proposed apartment blocks 5 and 6, which give a combined total of 1,100sqm of communal amenity space for future residents of those blocks. This exceeds the minimum requirements for communal amenity space. In addition to this, a total area of 9,240sqm is provided in the form of public open space and pocket parks. This equates to 15% of the total net site area which is in

conformity with section 13.8.15 of the LCDP Development Management Guidelines. The landscaped western buffer edge and riparian corridor are also provided in addition to this.

11.6.38. I note the Planning Authority has requested that conditions are attached requiring reconsideration of the relationship to the stream, with revised boundary treatment and informal pathway/tracks to improve the integration of the proposed development along this eastern edge and maximise the amenity value of this area. I note that the applicant has submitted details to explain the design approach and that the provision of formal routes and landscaping along this edge is not possible given the topography of the site. However, I concur with the Planning Authority that greater advantage could be taken of the amenity potential along this edge, and therefore I have recommended a condition in this regard, should the Board determine to grant planning consent.

11.6.39. Mix

11.6.40. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. I note that a third party and elected member has requested further consideration to the uplift in the number of 1 bedroom unit proposed, however there is no minimum requirement in this regard. The proposed development comprises 8% 1 beds apartments relative to the total number of proposed units, or 12.5% relative to the proposed apartment units only, in compliance with SPPR 1. The overall mix of 1, 2, 3 and 4 bedroom units ensures a varied mix to support a range of housing needs in my view.

11.6.41. I note the Development Management guidelines in the LCDP in relation to the provision of single storey dwellings to meet the needs of older people. Section 13.8.13 states that residential developments in excess of 100 units will be required to provide at least one single storey unit for every 100 residential units, unless it can be demonstrated by an appropriately qualified professional that there is no demand for this type of accommodation. The proposed development incorporates a single bungalow unit at one storey in height and therefore the Planning Authority request an additional single storey unit to comply with this criterion. The Planning Authority has suggested this be addressed by way of condition, and that the single storey unit

could be accommodated within the footprint of one of the proposed blocks. In my opinion, the provision of an additional bungalow unit is not necessary to fulfil the purpose of this criterion. The criterion is directly related to meeting the needs of older people and people with disabilities.

11.6.42. In my view, the provision of accommodation over a single level is sufficient to meet the needs for older people or those with disabilities in terms of accessibility, and this need does not necessitate single storey dwellings (bungalow housing). The proposed apartment accommodation is comprised of units situated on a single floor and accessed via an elevator if situated above ground floor level. There are also a number of single level apartments located beneath duplex units, which are accessible via their own door from ground level. As a result, the spirit of this criterion is complied with through the provision of “accessible” units as I have described above. In my view, there is nothing inherent in the design of a bungalow type unit that makes it better suited to meet accessibility needs / the needs of older people, than the type of single level units in multi-unit buildings that I describe above. I also note that this standard is not expressed as a policy or objective under the plan and therefore non-compliance would not amount to a material contravention in my view.

11.7. Traffic and Transport

11.7.1. I note third party concerns regarding the impact of the proposed development in relation to traffic and transport considerations and I address these matters as part of my assessment below. The Planning Authority’s Infrastructure team have recommended that planning permission be granted subject to conditions concerning the detailed design and arrangement of transport infrastructure associated with the development, as well as development contributions towards infrastructure improvements. As part of this, a special contribution of €250,000 towards upgrading Leonards Cross (R168/Old Slane Road) junction is requested. The submitted Traffic and Transport Assessment outlines in 3.3.1 that the applicant is aware and agrees to the contribution requested by Louth County Council.

11.7.2. Access

11.7.3. The proposed development includes a single vehicular access proposed from Slane Road, with pedestrian access from both Slane Road and the R168. Footway improvements are included in the application proposals and the extent of these

works is described in drawing no.115 'Proposed Site Plan – R168 and Slane Road'. The works are largely in the public domain, within lands in the ownership of Lough County Council and Meath County Council, some land is also in the ownership of Bryant Park ICAV (M1 retail park), and letters of consent are submitted in this regard. Footway improvements on Slane Road will connect in with existing footpaths, to create a continuous pedestrian link from the subject site along Slane Road, and onto routes to Drogheda Town Centre area. The applicant describes the constrained nature of the existing Slane Road which prevents provision of a segregated or shared cycle path. On the R168 a new footpath is proposed as part of the development to create a pedestrian link to the M1 retail park and bus stop facility there. This includes a shared cycleway, and the proposed design accommodates future upgrade of the R168 to a dual carriageway at the request of Louth County Council. Details of the proposed works are described in the submitted Roads Engineering Report. Within the site itself, cyclist provision is accounted for in the form of shared streets and home zones and compliance with DMURS has been confirmed.

11.7.4. The Planning Authority has requested revised specifications in relation to the detailed design of the pedestrian footpath linkages submitted, including an increased set back of 2m along the frontage of Slane Road and incorporation of a grass verge to facilitate a possible future cycle lane in this area in future. The Planning Authority has also requested details of the overgrown laneway included in the applicant's blue line ownership extent to the south of the site between two existing houses.

11.7.5. I am satisfied that the upgrade to footpaths described in the application will ensure good pedestrian and cycle connection into the M1 retail park area and good pedestrian connections along Slane Road. In terms of the specifications of the footpath design, I agree with the Planning Authority that these should be to the PA's satisfaction in terms of form and layout, and as such I have included a condition in my draft recommendation below. In terms of the laneway between the existing houses to the south, the applicant's ownership extent is not indicated as extending to Slane Road, so this 'laneway' is in practical terms a dead end. While the applicant could offer more detail on the adjacent ownership and the feasibility of a link being created here between the subject site and Slane Road, in my opinion, such a link is not desirable. The link would not be well overlooked, with just two existing houses

situated near to it over a length of circa 78m, and in this sense, could be an unsafe route if used by residents of the scheme. Access is also already adequately accounted for from Slane Road in the application details, as such I am satisfied that no further detail is required of the 'laneway' area and that the boundary details submitted demonstrate that access to the 'laneway' would be prevented.

11.7.6. Traffic

11.7.7. A Traffic and Transport Assessment (TTA) has been submitted with the application. This describes the potential impact of the proposed development upon the existing transportation context surrounding the site. In terms of vehicular traffic, the assessment assesses 9 junctions. I note that a third party submission suggests that further locations should have been reviewed as part of the assessment, however I am content that the junctions selected are where impact would be most likely to result, and that it is not necessary to assess every single junction from the Slane Road. I am also satisfied that as traffic disperses further from the site, the significance of any impact would dissipate. In terms of the accuracy of the submitted data, I am satisfied that this is sufficient for the purposes of my assessment and following my visit to the site and review of the submitted TTA data, I have no reason to doubt the findings presented.

11.7.8. I also note third party concern that the cumulative impact of development sites and new housing recently constructed / under construction has not been considered. The submitted assessment has assessed traffic in the 2021, 2026 (year of opening) and 2036 years, with traffic growth accounted for as part of consideration of the future years scenarios. This traffic growth is confirmed in the submitted assessment to reflect future development potential of the surrounding area. The data has been calculated in accordance with TII TTA guidance. I also note that selected junctions include the Tullybrook Development access. I am satisfied that the approach described in the submitted assessment adequately accounts for traffic growth that would be associated with future development in the area surrounding the site.

11.7.9. The submitted assessment demonstrates that in all scenario years, junctions selected for analysis will continue to operate within acceptable parameters with a negligible impact upon traffic in the area as a result of the proposed development. Specific assessment of potential impact upon Barrack Lane indicates that this route

will not be more favourable to future residents of the development as it is narrow and a more difficult route to the retail park, despite being technically shorter in length than Slane Road. Following my visit to the site, I concur with the applicant that Barrack Lane will not be a desirable route in practice, the route is narrow and its surface is potholed throughout, consequently making it a slow route. In any case, the applicant proposes that 'Local Access Only' signs be situated at access points to Barrack Lane to discourage use of this narrow road and I am satisfied with this approach.

11.7.10. A Road Safety Audit is also submitted with the application and confirms where recommendations have been incorporated into the design, or where they have not, the justification for this with confirmation from the safety audit team of acceptance of this.

11.7.11. Overall, I am satisfied that the submitted assessment demonstrates that the proposed development will not adversely affect the capacity or operation of the surrounding road network.

11.7.12. Public Transport connections are also described in the submitted Traffic and Transport Assessment. I note third party request that the NTA and TII be consulted regarding increasing the number of bus routes serving the area. In my opinion, requests to increase bus services for the area would be outside of the scope of this application and I have already outlined in section 11.3 above why I consider the accessibility of the site acceptable for the scale of development proposed. Both the NTA and TII were consulted on the application and TII provided a response that did not raise any objections to the proposed works.

11.7.13. Car Parking

11.7.14. I note third party concern that the number of car parking spaces proposed is excessive.

11.7.15. The LCDP describes car parking standards in table 13.16.12 as part of Development Management Guidelines. Parking quanta relate to the characteristics of the area, with central settlement / town centre and areas served by high level public transport supporting reduced provision. In areas such as the subject site, provision for 2 car parking spaces per a residential dwelling is supported. The Apartment Guidelines also describe parking standards for apartment development, with a guide for

development in peripheral and / or less accessible urban locations such as the subject site, of one space per unit and a visitor space for every 3-4 apartments (albeit this does not form a specific planning policy requirement of the guidelines and is expressed as a benchmark).

11.7.16. The proposed development includes 393 car parking space comprised of 2 spaces per house, 1.333 spaces per apartment / duplex unit, a visitor space for every 3 apartments and 9 spaces for the proposed creche. The proposed parking for houses therefore conforms with the LCDP, while the proposed parking for apartment / duplexes broadly conforms with the Apartment Guidelines. While the proposed parking for apartments / duplex units is less than the LCDP standard of 2 per dwelling, the Apartment Guidelines is the overarching guidance in this respect. The LCDP also describe circumstances where reduced car parking provision can be supported, which includes where either public transport links or the central location of a site means residents would be more inclined to walk or cycle. While the subject site is not centrally located, the pedestrian linkage to the retail park and the bus stop in that area, supports the provision of car parking described in the application in my view. I also note that the submitted Mobility Management Plan with the application provides a strategy for promoting sustainable transport forms in the development.

11.7.17. The proposed development also incorporates 10% of parking that can accommodate disabled bay standards and electric vehicle charging infrastructure for 10% of spaces.

11.7.18. I am therefore satisfied that the proposed development conforms with both the LCDP and Apartment Guidelines with respect to car parking provision.

11.7.19. Bicycle Parking

11.7.20. The proposed development incorporates 267 bicycle spaces for the apartment units proposed and all housing units have access to a private rear garden to utilise for storage. This exceeds standards described under the LCDP. The Apartment Guidelines describe a general minimum standard of 1 cycle storage space per bedroom, however this is not a specific planning policy requirement and standards are specified to be at the discretion of the planning authority. I am satisfied that the proposed cycle storage is commensurate to the characteristics of the site (in terms of

accessibility) and the development (in terms of associated car parking provision) and that the Apartment Guidelines are satisfied in this sense.

11.7.21. Previously Refused Application

11.7.22. I note a previously refused application on the site in 2009, ABP Appeal Ref: PL15.235241 (PA Ref: 08/1148). This was refused for three reasons relating to transport arrangements and impact resulting from the development proposal of 354 units at that time. The proposed development is subject to a different planning policy framework to that previously refused scheme and I have identified the relevant policy considerations as part of my assessment. I note that the scale of development currently proposed and associated traffic impact also differs to that previously refused scheme. It is also worth noting that the vehicular access arrangements for the proposed development differ to that previously approved scheme, with vehicular access proposed from Slane Road, rather than from the north. In addition, the proposed development includes footpath extension works to both the R168 and Slane Road to ensure pedestrian connection into the wider area. As such, there is substantial differences between these applications and in my view, the previous reasons for refusal do not apply to the current application scheme.

11.8. **Material Contravention**

11.8.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

11.8.2. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section

37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

11.8.3. The applicant has submitted a Statement of Material Contravention with the application. This identifies potential areas that may be considered material contraventions in relation to the following:

- The Drogheda and Northern Environs Core Strategy under variation no.1 of the Drogheda Borough Council Development Plan 2011-2017 and variation no.1 of the Louth County Development Plan 2009-2015;
- North Drogheda Environs Local Area Plan Masterplan Objective; and
- Building Height and Policy TC 8 (Motorway setback) of the Louth County Development Plan 2015-2021.

11.8.4. The Louth County Development Plan 2021-2027 came into effect on the 11th November 2021 and is now the operational plan for the County. The above plans are no longer in place, specifically the Louth County Development Plan 2015-2021; the Drogheda Borough Council Development Plan 2011-2017; and the North Drogheda and Environs Local Area Plan. As a result, the matters described in the submitted Material Contravention Statement are no longer relevant to the assessment of this application.

11.8.5. I have described the applications adherence to relevant policies throughout section 11 of this report both above and below. There are no matters which would represent a material contravention of the LCDP 2021-2027 in my view. I note that the Planning Authority has recommended that the application be approved and that no material contraventions of the LCDP are identified. While there are specific amendments sought by the Planning Authority in terms of mix, landscape treatment, design and material finish, none of those matters would amount to a material contravention of policies in the development plan in my view. I also note that prescribed bodies and third parties have not raised any matters relating to material contravention.

11.9. **Other Issues**

11.9.1. Water Infrastructure and Flood Risk

- 11.9.2. I note third party concern regarding sewage infrastructure, the location of the infrastructure and potential impact upon a karst feature, I address these matters as part of my assessment below.
- 11.9.3. The subject site is underlain by a Regionally Important Karst Limestone Aquifer which extends to the west and east of the site. The application includes a Preliminary Karst Risk Assessment in relation to this feature. This describes to the low risk of any drainage induced collapse or pollution risk to the underlying karst feature. This also confirms that there is no interaction with groundwater from the proposed development, so the hydrological linkage to the River Boyne will not be impacted. I also consider potential water contamination risk as a result of the proposed works further in my Appropriate Assessment at section 13 of this report, and I note the investigations and recommendations described in the submitted Sub-soil Hydrological Assessment Report. Overall, I am satisfied with the conclusions presented in the application and that the proposed development works are a low risk to the karst feature.
- 11.9.4. In terms of water networks, it is proposed that the proposed development be serviced by Irish Water's foul and water supply networks in the locality. A surface water system is designed as part of the proposals, to drain the site to the existing stream that flows along the eastern boundary of the site and implements SUDs principles. The proposed system also includes a petrol inceptor and attenuation storage tanks with controlled outfall to the stream.
- 11.9.5. In terms of foul drainage, a pumping station is proposed to the south east corner of the site served via a gravity foul drainage network within the development. Water supply is via the existing Irish Water network located at the roundabout circa 500m to the north east of the site. Irish Waters Code of Practice for Wastewater Infrastructure sets out the specifications for pumping stations to directly mitigate against smells and associated impacts. Features for the design of pump stations include pump unit protection systems to cover potential for pump failure events, incorporation of dial out alarm and emergency storage. The code of practice also specifically states that:
“Emergency storage is required at each pump station by the provision of a larger wet well, a single separate specifically designed off-line storage tank or an enlarged

Sewer shall be provided in order to provide additional storage and thereby reduce the risk of localised flooding or pollution during plant or power failure.”

- 11.9.6. Final details of the pumping station will require approval from Irish Water as part of a connection agreement.
- 11.9.7. Irish Water have issued a Design Acceptance for the proposals and confirmed that connection is feasible via the proposed pumping station to the Irish Water network. While concerns regarding sewage capacity are raised by a third party, there is no evidence that the development cannot be supported by the network and Irish Water have confirmed acceptance of the proposed works. Conditions are recommended by Irish Water with respect to compliance with Irish Waters codes and practices and I have reflected this in a recommended condition should the Board determine to grant planning consent. I note a third party’s concern regarding the proximity of trees to proposed infrastructure and compliance with Irish Water’s standards in this regard, however as Irish Water has issued a Design Acceptance, it does not appear that they consider a conflict to arise in this regard. In any case, the development can be required to comply with Irish Water’s standards by condition (as noted above) and Irish Water will ultimately determine the acceptability of final design details relating to water infrastructure connecting to their network, as part of a connection agreement. As such, I am satisfied with the proposals in this regard.
- 11.9.8. In relation to flood risk, a Site Specific Flood Risk Assessment is submitted with the application. This confirms that the part of the site proposed for residential and creche development is located in flood zone C at low risk of flooding. An assessment of historical flood information and OPW maps also supports the conclusion that the proposed residential and creche buildings on the site are not at risk of flood inundation. The proposed development also includes SUDs systems and surface water attenuation to ensure that there is no increased risk of flooding outside of the site as a result of the proposed development.
- 11.9.9. Overall, I am satisfied that the submitted flood risk assessment demonstrates that the proposed development would not expose future occupants to risk of flooding from any sources, including tidal, fluvial, pluvial and ground water; it also would not increase the risk of flooding elsewhere. As a result, I am satisfied that the proposed development is acceptable in terms of flood risk.

11.9.10. Ecology

11.9.11. The application includes an Ecological Impact Assessment (EclA). I carry out an Appropriate Assessment of the proposed development below in section 13 of this report in relation to European Sites, in this section I describe wider ecological considerations.

11.9.12. The subject site is formed of lands previously in agricultural use and it's predominate habitat classification is of improved agricultural grassland (GA1). A stream is situated along the eastern boundary of the site (eroding watercourse FW1) which is a direct first order tributary of the River Boyne, and merges with the Boyne approximately 725m downstream of the subject site. There are areas of hedgerow (WL1) and immature scrub (WS1) to the site edges, scrub and species poor calcareous grassland (GS1) adjacent to the stream, and riparian woodland (WN5) to the east of the stream. An area of gorse scrub (WS1) is also situated within the site. No non-native invasive species were identified within the subject site during field surveys.

11.9.13. In terms of mammal surveys, the submitted assessment confirms that there is no evidence of otter or badger within the site or areas bounding the site, however the stream is recognised as having potential to support otters for foraging and commuting. In relation to bats, no significant potential for bat roost features were observed on the site and following inspections, there was no evidence of roosting bats observed. During onsite surveys, four species of bat were recorded on the site, Soprano pipistrelle, Common pipistrelle, Leisler's bat and Brown long-eared bat. There was no evidence of other mammals recorded during surveys of the site.

11.9.14. Bird surveys did not reveal any use of the site by any species of conservation concern or by waterbirds and the site is not considered to represent suitable habitat for kingfishers.

11.9.15. The main ecological impact as a result of the proposed development will be from the loss of trees, scrub and hedgerow on the site which in turn supports a range of habitats and species. A tree survey is submitted with the application and identifies the trees and groups of trees to be removed within the site as a result of the proposed development and the trees situated outside of the redline area and close to the site bounds which will be protected during construction works. There are no category A trees within the site, there are 3 category B trees that will be removed within the site

as part of the works, and the remaining trees/groups for removal are lower category C or U. Hedgerows are largely retained along the western and northern boundaries, with removal more centrally within the site and partial removal along the frontage of the site to the R168. Existing riparian woodland and scrub habitat adjacent to the stream is identified for retention. The submitted EclA categorises the overall impact as being of moderate magnitude and minor significance.

11.9.16. In terms of potential impact upon bats, foraging habitat will be lost within the site, however the primary foraging area for bats is along the stream, where vegetation is proposed for retention and a 20m buffer has been incorporated into the design. As a result, no significant loss of habitat for bats results from the proposed development of the site. In any case, all tree removal will be undertaken only following inspection by a bat ecologist. During the operational phase, lighting is proposed to be designed to be sensitive to bats. No significant disturbance is anticipated to any other mammal species as no evidence was recorded of the use of the site by other species.

11.9.17. In terms of potential impact upon birds, preservation of the riparian woodland ensures that no significant loss of nesting habitat for birds results, with overall effect anticipated to be negative, short term and minor during the construction phase. It is proposed that vegetation clearance will take place outside of nesting season, or where this is not possible, ecologist examination of vegetation for the presence of nests will take place prior to removal.

11.9.18. Potential for harmful discharges into the stream is identified as effect that requires mitigation and I discuss this as part of my Appropriate Assessment in section 13 below. Potential for negative effects to freshwater habitat will be mitigated through the implementation of measures in a Construction Management Plan and through the incorporation of a construction buffer zone of at least 10m to the edge of the stream. During operational phase, implementation of storm water management system designed to the recommendations in the Greater Dublin Strategic Drainage Strategy will prevent pollution to the stream and associated impact upon freshwater habitats.

11.9.19. Mitigation measures are described in the EclA including the arrangements for vegetation clearance, drainage and lighting as described above. The proposed development includes extensive new tree and woodland planting that will enhance habitat areas in the long term. As a result, the submitted EclA concludes that there

are no significant residual impacts to mammal (including bats) or bird species anticipated.

11.9.20. I am satisfied that with the implementation of mitigation measures described in the submitted EclA, no significant adverse impact on ecology will result from the proposed development and that the proposed landscape works including tree planting will provide adequate habitat enhancement.

11.9.21. Creche

11.9.22. The submitted Statement of Consistency and Planning Report for the application includes a community infrastructure audit and consideration of schools and childcare facilities in the area. A school capacity and demand assessment has also been undertaken. The submitted information demonstrates sufficient community services and amenities to serve the development that are reasonably proximate to the site. In terms of childcare, following the guidelines described in the Childcare Facilities guidelines for Planning Authorities, a childcare facility is proposed with capacity for 65no. children. I am satisfied that the childcare needs arising from the proposed development can be accommodated in this facility, and that capacity is also identified in the wider area proximate to the site.

11.9.23. Sustainable Design and Energy Generation

11.9.24. I note the third party and elected member request that the PV panels shown illustrated in drawings be delivered as part of the proposals.

11.9.25. The submitted Building Life Cycle Report describes measures for energy efficiency and to reduce carbon emissions to be incorporated into the proposed development. This sets out the building fabric design that optimises the energy performance of proposed buildings in the scheme. In addition, air source heat pumps are proposed as a form of low energy generation for the proposed dwellings. The incorporation of renewable energy technologies is also indicated. The submitted Statement of Consistency and Planning Report states that the provision for solar panels is made on all buildings, the submitted drawings also incorporate them on roofs, however the description of development states that these are optional. I consider the incorporation of solar panels as described in the application documents and drawings is appropriate and I have recommended a condition in this regard should the Board determine to grant planning consent.

11.9.26. Part V

11.9.27. The applicant has submitted Part V proposals as part of the application documents.

24 no. units are currently identified as forming the Part V housing. The Planning Authority have confirmed they have no concerns with relation to the Part V proposals.

11.9.28. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

12.0 **Screening for Environmental Impact Assessment**

12.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Statement and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.

12.1.2. Section (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

(i) Construction of more than 500 dwelling units;

(iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

12.1.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

“Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

- 12.1.4. The proposed development is for 237 no. residential units (86 no. houses, 151 no. apartments), creche and associated site works. The overall site area is 8.73ha and is formed of agricultural grassland. The site is currently zoned for residential use and can be serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10ha (that would be the applicable threshold for this site, being outside a business district but within an urban area). 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. I would note that the uses proposed are in keeping with land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. In relation to habitats or species of conservation significance, the AA set out above, concludes that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites.
- 12.1.5. The criteria at Schedule 7 to 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 EIA. 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 submitted EIA Screening Report directly address the information under Schedule 7A. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect 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 regarding other permitted developments in proximity to the site, and demonstrates 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. I have examined the sub criteria having regard to Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:

- EIA Screening Statement
- Statement of Consistency and Planning Report
- Statement of Material Contravention
- Residential Amenity Report
- School Capacity and Demand Assessment
- Architects Design Statement
- Masterplan Document
- Building Lifecycle Report
- Housing Quality Assessment
- Engineers Report on Services
- Site Specific Flood Risk Assessment
- Irish Water Statement of Design Acceptance
- Traffic and Transport Assessment
- Road Engineering Report
- Mobility Management Plan
- Road Safety Audit
- Landscape and Visual Impact Assessment
- Landscape Rationale
- Archaeological Impact Assessment
- Daylight and Overshadowing Assessment
- Natura Impact Statement & Appropriate Assessment Screening Report

- Ecological Impact Assessment
- Acoustic Design Statement
- Heritage Impact Assessment
- Tree Survey
- Preliminary Karst Risk Assessment
- Sub-soil Hydrological Assessment
- Public Lighting Design

12.1.6. In addition I have taken into account the SEA of the Development Plan. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required 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 EIA Directive have been taken into account, I would note and have considered that the following assessments / reports have been submitted:

- A NIS (including AA Screening) and Ecological Impact Assessment has been submitted pursuant to the Habitats Directive (92/43/EEC) and the EU Birds Directive (79/409/EEC) and also responds to requirements arising from the Water Framework Directive (and River Basin Management Plans) and the Urban Wastewater Treatment Directive.
- An Ecological Impact Assessment has been submitted with reference to the Habitats Directive (92/43/EEC), EU Birds Directive (79/409/EEC), The Freshwater Fish Directive 1978 (78/659/EEC) and the River Waterbody Water Framework Directive.
- A Site Specific Flood Risk Assessment has been submitted with reference to the EU Floods Directive.

12.1.7. The EIAR Screening Statement prepared by the applicant has 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 purposes of EIA Screening.

12.1.8. I have completed a screening assessment as set out in Appendix A of this report and recommend to the Board 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 (EIAR) would not therefore be required. The conclusion of this assessment is as follows:

12.1.9. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities under the Louth Development Plan where residential and childcare are permitted uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) 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).

(f) 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).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) 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 Natura Impact Statement, Ecological Impact Assessment, Acoustic Design Statement, Archaeological Impact Assessment, Traffic and

Transport Assessment, Road Engineering Report and the Site Specific Flood Risk Assessment.

- 12.1.10. 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. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

13.0 **Appropriate Assessment**

- 13.1. This section of the report considers the likely significant effects of the proposal on European sites. Where likely significant effects cannot be excluded, appropriate assessment is required to assess the likely effects on a European site in view of its conservation objectives and assesses whether adverse effects on the integrity of the site will or might occur in respect of each of the European site(s) considered to be at risk, and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) including Appropriate Assessment Screening submitted with the application.
- 13.2. I have had regard to the submissions of third parties in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.
- 13.3. The Project and Its Characteristics
- 13.4. See the detailed description of the proposed development in section 3.0 above.
- 13.5. Likely significant effects on European Sites (Stage I Screening)
- 13.6. The subject site is formed of agricultural grassland that does not currently appear to be in use and is in an unmanaged condition. The site boundary to the north and west feature hedgerows and a ravine associated with the Mell Stream is situated along the eastern boundary for the site. To the south of the site are existing trees and tree groups, and the site bounds two existing residential properties and Slane Road. The red line boundary for the application and works associated with the development extend further along Slane Road and the R168 incorporating connections. The subject site is not located within or immediately adjacent to any European Sites.

13.7. I have had regard to the submitted Appropriate Assessment screening report (appended to the submitted NIS), which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- River Boyne and River Blackwater SAC (2299) 750m downstream or 600m overland;
- River Boyne and River Blackwater SPA (4232) 750m downstream or 600m overland;
- River Nanny Estuary and Shore SPA (4029) 10km;
- Boyne Estuary SPA (4080) 5km;
- Boyne Coast and Estuary SAC (1957) 5.7km;
- Clogher Head SAC (1459) 12.5km.

13.8. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

13.9. The qualifying interests of all European sites considered are listed below:

Table 13.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
River Boyne and River Blackwater SAC (2299) To maintain or restore the favourable conservation condition of qualifying	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106]

<p>interests/species of conservation interest for which the SAC has been selected.</p>	<p>Lutra lutra (Otter) [1355]</p>
<p>River Boyne and River Blackwater SPA (4232)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Kingfisher (Alcedo atthis) [A229]</p>
<p>River Nanny Estuary and Shore SPA (4158)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]</p>
<p>Boyne Estuary SPA (4080)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Shelduck (Tadorna tadorna) [A048] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169]</p>

	<p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Boyne Coast and Estuary SAC (1957)</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
<p>Clogher Head SAC (1459)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>

**Note: The site codes provided in the submitted AA Screening Report are not correct in all cases, and the above list reflects the correct site code listing for the European Sites assessed.*

13.10. Table 13.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

13.11. Potential Effects on Designated Sites

13.12. The site has a direct hydrological connection and mobile species pathway to the European sites at River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, and Boyne Estuary SPA. The site also has a hydrological connection to the Boyne Coast and Estuary SAC and mobile species pathway to the River Nanny Estuary and Shore SPA. This is as a result of the subject site's location within the Mell Stream sub-catchment with this hydrological connection representing

the possibility that the project could result in negative impact upon the water quality of the above identified European Sites (with the exception of the River Nanny Estuary and Shore). This negative impact could affect freshwater fish SCI species associated with the River Boyne and Blackwater European Sites. Potential impact upon other mobile species associated with the River Boyne and Blackwater European Sites, and specifically kingfisher and otter, is also identified. There is also the possibility of the project site functioning as a terrestrial foraging habitat for special conservation interest species of the European Sites identified, specifically birds associated with the River Nanny Estuary and Shore and River Boyne Estuary SPA. Increased human activity on the site could also potentially negatively impact the activities of any SCI species on the site during the operational phase.

13.13. Therefore, the above significant effects cannot be ruled out in view of the conservation objectives of these aforementioned European sites as described in table 13.1 above.

13.14. In relation to foul water, I note that the proposed development includes a pumping station. This will be required to meet Irish Waters Code of Practice for Wastewater Infrastructure which sets out the specifications for pumping stations, as part of connection agreements. That code of practice sets out design requirements to reduce risk of pollution arising in the event of a failure during operation of the pumping station. As such, I am satisfied that there would be no adverse impact upon European Sites as a result of the proposed pumping station.

13.15. In-Combination / Cumulative Impacts

13.16. The submitted AA Screening Report also considers the in combination / cumulative effect of the plans and projects to European sites, alongside the proposed development. The submitted report concludes that there is potential for the project to combine with any other existing sources of pollutants or pressures to the water quality of the River Boyne resulting in negative impact, however specific sources of existing pollution or pressures are not identified in the report.

13.17. AA Screening Conclusion

13.18. I concur with the conclusions of the applicant's screening, in that there is the possibility for significant effects on the European sites outlined below (associated with impact to species of conservation interest), as a result of the following:

- Potential negative impact upon water quality resulting from discharges from the site and via the hydrological connection to the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA and Boyne Coast and Estuary SAC. With associated negative impact upon freshwater fish SCI species of these European Sites.
- Potential impact to otters and kingfishers, which are mobile species of the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA.
- Potential for the project site to function as a terrestrial habitat for special conservation interest bird species of the Boyne Estuary SPA and River Nanny Estuary and Shore SPA.

13.19. The specific conservation objectives and qualifying interest of the habitats for the potentially effected European sites relate to range, structure and conservation status. The specific conservation objectives for the species highlighted for the potentially effected European sites relate to population trends, range and habitat extent. Potential effects on water quality and disturbance of ex-situ SCI species have been highlighted above, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interests of European Sites. As such, likely effects on River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast SAC and River Nanny Estuary and Shore SPA cannot be ruled out, having regard to the sites' conservation objectives and a Stage 2 Appropriate Assessment is required.

13.20. In relation to the remaining European Site, Clogher Head SAC, taking into consideration the distance between the proposed development site to Clogher Head SAC, the lack of direct or indirect hydrological pathway or any other direct or indirect pathway or link to this SAC, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interest of Clogher Head SAC.

13.21. Stage 2 – Appropriate Assessment

- 13.22. The subject site is located in an area of agricultural land within the River Boyle catchment. The Mell Stream forms the eastern boundary of the site and is a direct, first order tributary of the River Boyne. The current water quality of lower transitional waters of the River Boyne are classed as being of Moderate Status and are of less than Good Status. Pressures to this waterbody relate to agricultural and urban waste water. Discharges from roads, motorway, other human activities and agricultural fertilisation have also been identified as sources of threats and pressures to the River Boyne. The site is also underlain by karst geology and has been selected as a County Geological Heritage site.
- 13.23. The proposed development has a hydrological link to the River Boyne and subsequently to the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA and Boyne Coast and Estuary SAC. Potential link via mobile species of the River Boyne and River Blackwater SAC and SPA, Boyne Estuary SPA and the River Nanny Estuary and Shore SPA have been identified.
- 13.24. The receiving environments at River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast and Estuary SAC and the River Nanny Estuary and Shore SPA are described in the submitted Natura Impact Statement (NIS) report with reference to relevant QIs/SCIs, their conservation objectives, including attributes, measures and targets.
- 13.25. The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned European sites are also summarised above in table 13.1. The NIS provides a description of potential effects, alongside any required mitigation to avoid adverse effects. A conclusion on residual impact is then provided. A summary of this assessment is set out below.
- 13.26. **River Boyne and River Blackwater SAC:** comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Trembestown Rivers. Wet woodland fringes many stretches of the Boyne. The Boyne and its tributaries form one of Ireland's premier game fisheries and the area offers a wide range of angling. Atlantic Salmon use the tributaries and headwaters as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be

endangered or locally threatened elsewhere in Europe and is listed on Annex II of the Habitats Directive. This European Site is also important for populations of two other species listed on Annex II of the E.U. Habitats Directive which it supports, namely River Lamprey and Otter. The NPWS states that intensive agriculture and associated spreading of slurry and fertiliser poses a threat to the water quality of this SAC. Other threats and pressures and also identified and relate to pollution, sport / leisure, removal of hedges / scrub, other human induced change, extraction, cultivation, non-native planting and other discharges.

13.27. **River Boyne and River Blackwater SPA:** a long linear site, comprising stretches of the River Boyne and several of its tributaries. The site is a SPA area under the EU Birds Directive of special conservation interest for kingfisher. Threats and pressures identified in relation to this SPA include roads, motorways, human induced changes, urbanised areas, human habitation and dispersed habitation.

13.28. **Boyne Coast and Estuary SAC:** a coastal site which includes most of the tidal sections of the River Boyne. Habitats include mudflats, sandflats, dunes, Atlantic salt meadows and Salicornia mud. Only estuaries and tidal mudflats and sandflats occur downstream within the channel section of the River Boyne and its estuary. Threats and pressures identified in relation to this SAC include pollution, construction of bridges, infilling, removal of sediments, urbanised areas and human activity.

13.29. **Boyne Estuary SPA:** comprises most of the estuary of the River Boyne. The river channel, which is navigable and dredged, is defined by training walls which have been breached in places. Intertidal flats occur along the sides of the channelled river. This European Site is a wetland area of importance to waterbirds of special conservation interest. Threats and pressures include human water based and leisure activities.

13.30. A potential impact has been identified relating to the proposed development and River Boyne and Estuaries European Sites (namely River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, and Boyne Coast and Estuary SAC) in the form of discharge of contaminated surface water during both the construction and operation phase into the Mell Stream and onto these European Sites via the River Boyne. Works associated with the construction phase of the project have potential to generate silt-laden surface water

runoff or poor / contaminated water with potential to perturb water quality in the Mell Stream and downstream along the main channel of the River Boyne. In addition, potential contaminating materials related to construction activities could be accidentally emitted into the Mell Stream via surface water runoff, with potential to undermine the water quality within the River Boyne and contribute to existing water quality pressures to the River Boyne Estuary. During operational phase, surface water will be discharged into the Mell Stream and subsequently downstream to the River Boyne. There is potential for this surface water runoff to be contaminated in the event of fuel leaks or accidental spills. If left untreated, this contaminated surface water runoff could contribute to existing pressures to water quality within the River Boyne and Estuaries European Sites.

13.31. Any deposition of contaminants such as hydrocarbons or cement material to habitats could result in the contamination of prey resources of freshwater qualifying fish species and wetland bird species of the Boyne Estuary SPA. The toxic effect of such contaminants, particularly hydrocarbons, on feeding, growth, development and reproduction are known to have knock-on effects throughout the food chain, including affects upon kingfisher and otter, which are qualifying interests of the River Boyne and Blackwater European Sites. The potential for exposure of prey species to contaminants, could result in mortality or disturbance effects, with changes to population and community structure as a result. Such effects would have the potential to undermine the conservation status of habitats occurring downstream of the project, with consequent effects on qualifying species River Boyne Estuary and Boyne Coast European Sites.

13.32. The potential to impact mobile species of the River Boyne and Estuaries European Sites has also been identified. In relation to kingfisher and otter, surveys were completed at the subject site along the Mell Stream to determine whether or not this watercourse is relied upon by kingfishers and / or otters as a breeding site, resting place or foraging resource. There were no recordings of either of these species during the survey and the stream was concluded to not offer optimum foraging habitat for those species. As a result, and based upon the survey findings, the proposed development is not considered to have potential to result in disturbance effects during either construction or operation phases and will not interfere with the conservation status of the populations of either kingfisher or otter, being species

supported by the River Boyne and River Blackwater European Sites. Potential to impact mobile bird species associated with the Boyne Estuary SPA is discussed further below.

13.33. **River Nanny Estuary and Shore SPA:** comprises the estuary of the River Nanny and sections of the shoreline to the north and south of the estuary. Sediments are muddy in character and edged by saltmarsh and freshwater marsh/wet grassland. This European Site is an important site for wintering waders, with nationally important populations of Golden Plover, Oystercatcher, Ringed Plover, Herring Gull, Knot and Sanderling. Threats and pressures identified include human water based and leisure activities.

13.34. A potential impact upon mobile bird species associated with the River Nanny Estuary and Shore SPA was identified. These mobile bird species are also associated with the Boyne Estuary SPA (the characteristics of that SPA are set out above) and I include consideration of both of these European Sites in relation to these species below.

13.35. Winter bird surveys of the subject site were undertaken to establish whether it forms ex-situ site for special conservation interest bird species of these Estuary European Sites. No birds identified as species conservation interests of the Boyne Estuary SPA or River Nanny Estuary and Shore SPA in table 13.1 above, were observed foraging, roosting or loafing within the project site or surrounding area. The conditions on site are also concluded to be sub-optimal for wintering waterbirds associated with the relevant Estuary European Sites, being unmown and ungrazed sward grassland and scrub. Based upon these findings, the subject site does not provide suitable habitat for special conservation interest bird species or waterbirds of the Boyne Estuary SPA or the River Nanny Estuary and Shore SPA and as such is not an ex-situ site. Therefore, the proposed development does not have the potential to result in disturbance effects during either construction or operation phases and will not interfere with the conservation status of bird or waterbird SCI species supported by the Boyne Estuary SPA and River Nanny Estuary and Shore SPA.

13.36. Summary of findings:

13.37. As a result of the foregoing, specific mitigation measures during construction and operation are only required to protect and maintain the integrity of the QI/SCI

habitats and species that could be impacted by changes in water quality, supported by the River Boyne and Blackwater SAC and SPA, Boyne Estuary SPA and Boyne Coast and Estuaries SAC. As outlined above, potential impact and associated effect upon the integrity of the River Boyne and Blackwater SAC and SPA, Boyne Estuary SPA and River Nanny Estuary and Shore SPA can be ruled out in relation to mobile species (namely kingfisher, otter and wetland / waterbirds) and no mitigation is required in that regard.

13.38. Mitigation:

13.39. Section 6 of the submitted NIS describes the proposed mitigation to be incorporated into the development. This describes the measures to safeguard against the potential effects of the proposed development upon the water quality of the Mell Stream, the River Boyne downstream and the Boyne River and Estuaries European Sites during the construction and operation phase.

13.40. During the construction phase, the Construction and Environmental Management Plan (CEMP) will include all measures outlined in the NIS that aim to safeguard surface water quality runoff, and the main site contractor will implement these measures. Measures will include the collection, attenuation, settlement and treatment of surface water runoff prior to discharge from the site. Measures relating to the storing of equipment / materials, water tightness of structures, use of spill aprons and kits, control of vehicles and refuelling, maintenance of plant and concrete operations are described in the NIS. Specific measures to prevent pollution spread from solids and silts are also described.

13.41. While no non-native invasive species were identified on the site during surveys, measures are described as a precaution, to prevent the spread of such species during construction works on the site.

13.42. During operation, surface water management systems will be incorporated and are designed to meet the recommendations of the Greater Dublin Strategic Drainage Study. The system will collect, attenuate, and treat all surface water generated from impermeable surfaces within the project site. Prior to discharge into the Mell Stream, all surface water will first pass through a full hydrocarbon and silt interceptor.

13.43. Following a complete review of the mitigation measures outlined in section 6 of the submitted NIS, alongside consideration of the site specific conservation objectives

and potential impacts upon these, I am confident that with the incorporation of the described mitigation, the project would not adversely affect the integrity of the River Boyne and Blackwater SAC and SPA, Boyne Estuary SPA and Boyne Coast and Estuaries SAC. This is based on a complete assessment of all implications of the project.

13.44. In-Combination / Cumulative Impacts:

13.45. The NIS identifies potential for the proposed development to overlap with other construction projects within the Boyne catchment downstream of the subject site. However only minor projects were identified in the immediate area surrounding the site and the NIS concludes that these are not likely to present significant risk of effect, either alone or in-combination, with other plans or projects. Despite this low risk, the implementation of mitigation measures as described in the NIS through a CEMP would adequately address adverse cumulative effects that relate to existing threats and pressures for the Boyne River and Estuaries European Sites.

13.46. AA Determination - Conclusion

13.47. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

13.48. Having carried out a Stage 1 Appropriate Assessment Screening of the proposed development, it was concluded that likely adverse effects on the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast and Estuary SAC and the River Nanny Estuary and Shore SPA could not be ruled out, due to its hydrological link and potential disturbance of SCI species. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

13.49. Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that the site does not support kingfisher or otter and is not an ex-situ site for waterbirds, as such potential effect upon these mobile species supported by the River Boyne and River Blackwater SPA and SAC, Boyne Estuary SPA and River Nanny Estuary and Shore SPA could be ruled out. It has also been determined that subject to mitigation in relation to water quality (which is known to be effective) the

proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast and Estuary SAC, or any other European site, in view of the sites' Conservation Objectives.

13.50. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

14.0 Conclusion

14.1. The proposed residential development and creche is acceptable in principle at this site with regard to the relevant zoning Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities, under the Louth Development Plan 2021-2027.

14.2. The proposed development of 237 no. residential units (86 no. houses, 151 no. apartments), creche and pedestrian footpath improvement works, will in my opinion, be an appropriate and compatible addition to this location on the edge of the existing settlement area, on land zoned for residential development. The proposed development will require the removal of trees, hedgerows and associated habitat, however with the incorporation of mitigation measures, including the retention of trees, replacement planting and incorporation of enhancement/protection measures, the overall impact upon biodiversity will be within acceptable parameters. The proposed density is acceptable with regard to national and local planning policy. In addition, the proposed development would not be harmful in terms of visual impact upon either conservation areas, heritage structures or archaeological features in the area, with specific regard to protected views and the UNESCO site to the south.

14.3. Following an Appropriate Assessment, it has been determined that with the incorporation of appropriate mitigation measures, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites.

14.4. I am also satisfied that the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the

scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and access arrangements to the site are acceptable in my view and will not generate a traffic hazard. I am also satisfied that future occupiers of the scheme will not be at an unacceptable risk from flooding and the proposal will not increase the risk of flooding elsewhere.

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

15.0 Recommended Order

Planning and development Acts 2000 to 2019

Planning Authority: Louth County Council

15.1. 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 15th Day of October by Loughdale Properties Ltd. care of Stephen Ward Town Planning and Development Consultants Ltd. of Jocelyn House, Jocelyn Street, Dundalk, Co. Louth.

Proposed Development

15.2. The proposed development consists of:

- 237no. dwellings in detached, semi-detached, terraced/townhouse, terrace/duplex and apartment form.
- Buildings ranging in height from 1 to 5 storeys in the following mix: 19no. 1 bed, 98no. 2 bed, 99no. 3 bed and 21no. 4 bed.
- Apartment Block 5 will have an undercroft car park.
- All buildings have the option for installation of photovoltaic/solar panels on front/rear roof slopes depending on orientation.
- The development will also provide for a creche (488sqm), with potential capacity for 65 children.

- The overall quantum of public opens space provided to serve the development extends to c.9,240sqm excluding the riparian corridor along Mell Stream (also known as Kenny's Stream) and motorway buffer area.
- The planning application will include the construction of a footpath with public lighting from the northern site boundary along the southern side of the R168 providing a pedestrian only connection to the M1 Retail Park. This footpath will be constructed on an area that is currently an unused grass verge. These works will not affect the width of the R168 carriageway or hard shoulder. A single vehicular connection to the application site is proposed. This will be from the Old Slane Road at the southern boundary of the application site. Full footpath connectivity will also be provided between the application site along the Old Slane Road eastwards to the junction with the R168 at Leonards Cross. Works to the Old Slane Road provide for the provision of section of footpaths, revised road markings on the public road and public lighting. Full footpath connection will be available through the application site connecting the Old Slane Road to the south with the R168 to the north and then on to the M1 Retail Park.
- The planning application also includes all associated site development works including the provision of a pumping station and rising main to serve the development and associated infrastructure and service provision, landscaping, boundary treatments, roads, footpaths and cycle paths, public lighting, the provision of 1no. ESB substation, Electrical Vehicle charging points and ducting and removal of existing pylons/ESB poles within the site and diverting and undergrounding of existing overhead electrical cables.
- The site development works also provide for regrading/infilling of land levels within the site and the provisions of retaining walls/structures.

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.

16.0 Reasons and Considerations

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

- (a) the location of the site on lands zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities, under the Louth Development Plan 2021-2027;
- (b) the policies and objectives of the Louth Development Plan 2021-2027;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All – A New Housing Plan for Ireland;
- (d) 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;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) 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;
- (h) The Architectural Heritage Guidelines for Planning Authorities and Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;

- (k) The planning history of the site and area;
- (l) The submitted NIS and potential effect upon European sites;
- (m) The submissions and observations received;
- (n) The Chief Executive Report from the Planning Authority and specifically the recommended reasons for refusal; and
- (o) The report of the inspector.

The Board 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 appropriate in context of surrounding uses and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement Report with appended AA Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European Site in view of the conservation objectives of such sites, other than River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast and Estuary SAC and River Nanny Estuary and Shore SPA, which are European sites where the likelihood of adverse effects could not be ruled out.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, Boyne Coast and Estuary SAC and River Nanny Estuary and Shore SPA, in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European sites,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality and mobile species,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the EIA 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: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities under the Louth Development Plan where residential and childcare are permitted uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) 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).

(f) 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).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) 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 Natura Impact Statement, Ecological Impact Assessment, Acoustic Design Statement, Archaeological Impact Assessment, Traffic and Transport Assessment, Road Engineering Report and the Site Specific Flood Risk Assessment.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

Having regard to the zoning objective for the site as set out in the Louth Development Plan 2021-2027, the pattern of existing development in the immediate vicinity of the site, the NIS submitted with the application and subsequent Appropriate Assessment in the Inspectors Report, the infill site location in Drogheda a regionally important larger settlement in the RSES where significant growth is targeted, and the sites location a reasonable walking distance to amenities and a bus stop at the M1 retail park, it is considered that the proposed development would not seriously injure the residential or visual amenities, including historical / archaeological assets in the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 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. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

3. The mitigation measures contained in the Ecological Impact Assessment which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

4. The design specifications in relation to noise mitigation, as described in the submitted Acoustic Design Statement, shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure appropriate noise conditions for future residents.

5. The development shall incorporate the provision of solar panels to the roofs of buildings as shown in the submitted drawings.

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

6. The proposed development shall be amended as follows:

- i) Revised landscape details for the landscape character around the Kenny / Mell Stream and associated ravine, to include informal access routes;

- ii) Revised siting/locations for waste/bin storage areas for block 6;

- iii) Revised specifications for pedestrian footpath links to the site, to be to the satisfaction of the Planning Authority, and

- iv) Revised design specifying remedial measures to prevent glare and light trespass from the M1 motorway interchange lanterns affecting future occupiers, to be informed by an assessment of impact of the same.

Details shall be submitted to and agreed by the Planning Authority prior to the commencement of the development.

Reason: In the interests of residential amenity.

7. 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,
- (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,
- (d) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to the necessary mitigating action (e.g. preservation in situ or excavation) and should facilitate the archaeologist in recording any material found, and
- (e) the Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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.

8. 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 occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park 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. The development shall not be commenced above grade until details of a Stage 2 Quality Audit have been approved by the Planning Authority.

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

10. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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.

Reason: To provide for and future proof the development such as would facilitate the use of Electric Vehicles.

11.(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use 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.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, 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.

13. The construction of the development shall be managed in accordance with a Construction Environmental 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 with measures to reflect mitigation described in the submitted NIS for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. 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.

Reason: In the interest of sustainable waste management.

15. (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 not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(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.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees / shrubs / hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

18. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be submitted and agreed in writing by the planning authority/An Bord Pleanála prior to commencement of development. Details shall include alternative material finishes for facades shown with a render finish. 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.

19. Details of signage for the creche unit shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity.

20. Public lighting shall be provided in accordance with a scheme, which shall include details of any light spill into open spaces on the site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. The public lighting scheme will include pedestrian linkages towards the town, to the M1 retail park and any lighting proposed adjacent to / within the riparian corridor. Such lighting shall be designed in accordance with guidance contained in the Institution of Lighting Professionals (ILP) (2018) Guidance Note 08/18 Bats and artificial lighting in the UK. The approved lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

21. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development. All works are to be carried out in accordance with Irish Water Standards codes and practices, including in relation to separation distances and restrictions on the building up over assets.

Reason: In the interest of public health.

22. 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.

23. 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.

24. The public open space areas shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the revised landscape scheme to be agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

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

25. Proposals for an estate name and numbering scheme with associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development

shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

26. 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.

27. 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.

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.

28. 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, 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.

Reason: 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.

29. 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.

30. The developer shall pay the sum of €250,000 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of upgrading Leonards Cross (R168/Old Slane Road) junction, Drogheda. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord

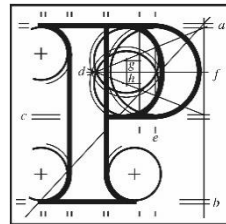
Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

31. 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.

18.0 Appendix A: EIA Screening



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-311678-21
Development Summary		237 no. residential units (86 no. houses, 151 no. apartments), creche and associated site works.
	Yes / No / N/A	

1. Has an AA screening report or NIS been submitted? **Yes**

A NIS with appended AA Screening Report was submitted with the application

2. Is a 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? **No**

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 **Yes**

SEA undertaken in respect of the Louth County Development Plan 2021-2027. An NIS (with AA Screening) and Ecological Impact Assessment (EclA) under the Habitats Directive and with reference to EU Birds Directive, the EclA also refers to The Freshwater Fish Directive 1978 and the River Waterbody Water Framework Directive. A Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. The submitted EIA Screening Statement also refers to the Habitats Directive.

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

		<p>frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The residential use proposed and the size and design of the proposed development would not be unusual for the area in Louth. While the height of the proposed duplexes is 3 storeys and the apartment blocks is 4-5 storeys, and therefore above the established context in the immediate surroundings, the scale is commensurate to other developments in the wider County area and is not exceptional, relative to the established urban context.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The site is currently undeveloped; however it is designated for residential development and no physical alteration is proposed to watercourses. Changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area, and the site is situated at the edge of an existing residential area.</p>	<p>No</p>

<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such development. While the development will result in the loss of open grassland area, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.</p>	<p>No</p>
<p>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?</p>	<p>Yes</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 Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</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 Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Construction waste can be managed via a Construction Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>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?</p>	<p>Yes</p>	<p>Risk of contamination of the water network during both construction and operational phases has been identified and adequately addressed in the submitted NIS. Mitigation measures are described and will be incorporated through implementation of a Construction Environmental Management Plan to prevent pollutants entering the hydrological network.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</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 and Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</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 and Environmental Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</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>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</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 scale of the development, its situation on the edge of an existing built up area and the surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site. The Louth Development Plan 2021-2027 plans for the expansion of the county and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p style="padding-left: 40px;">1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>Yes</p>	<p>The site has a direct hydrological connection to the European sites at River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA and Boyne Coast and</p>	<p>No</p>

<p>2. NHA/ pNHA 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>Estuary SAC. An NIS is submitted with the application and identifies potential impacts. There is no potential for the proposed development to impact the integrity of the SAC and SPA areas. Incorporation of mitigation measures during the construction and operational phase will prevent potential pollutants entering the hydrological network, and disturbance of QIs will not result and would not affect the integrity of the European sites.</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>No</p>	<p>The existing site is undeveloped. Existing habitats have been surveyed in the submitted Ecological Impact Assessment and NIS. Surveys support a conclusion that the site does not form an ex-situ area for European sites. Surveys also demonstrate that the site does not support otter or kingfisher.</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>Yes</p>	<p>There are a number of recorded archaeological sites within 1km of the subject site including national monuments to the north, as well as the designated UNESCO World Heritage Site of Brú na Bóinne to the south. The subject site is situated outside both the core area and buffer zone to the UNESCO site. There are also 3 designated heritage structures within approximately 1km of the proposed development that are listed in the NIAH (2 farmhouses in Mell NIAH no.13902408),</p>	<p>No</p>

		<p>and one is also a designated protected structure in the LCDP (Drybridge House RPS no. LHS)24-008). A Special Conservation Area is situated further to the south of the site and bounds the River Boyne. The Oldbridge Architectural Conservation Area and Townley Hall Architectural Conservation Area are also located in the wider area proximate to the site. None of these designated features are located immediately adjacent to the site. A Visual Impact Assessment has been carried out as part of this planning assessment and found no significant impact as a result of the proposed development upon these heritage assets. Archaeological investigations of the site have identified potential areas of interest, which can be preserved by condition.</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>Yes</p>	<p>The subject site is formed of agricultural land. Land in the wider area surrounding the site is working agricultural land. The site is designated for residential development and is situated on the edge of an existing residential area. The loss of these lands from agricultural use is not significant to the overall agricultural landbank in the State, is anticipated under the Louth Development Plan 2021-2027 and is expected as part of strategic planning of the area.</p>	<p>No</p>

<p>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?</p>	<p>Yes</p>	<p>A stream bounds the site and the proposed development does not alter this watercourse. The development will implement SUDS measures to control surface water run-off. The site has no recorded history of flooding and mitigation measures are to be implemented to manage flood risk as set out in the submitted Flood Risk Assessment.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands proposed for development are susceptible to lands slides or erosion and the topography of the area is flat. No alterations are proposed to the existing watercourse that may experience localised erosion at its banks.</p>	<p>No</p>
<p>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?</p>	<p>Yes</p>	<p>The site is adjacent to the M1 Motorway and the R168. A Transport and Traffic Assessment has been submitted with the application and describes capacity on surrounding networks for the development, which will not significantly increase traffic on vehicular routes. Implementation of a Construction and Environmental Management Plan will mitigate traffic impacts during construction stage.</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The subject site is not situated immediately adjacent to any community facilities. A submitted community audit identifies community facilities in the wider area that would not be adversely affected by the proposal.	No
--	-----------	--	-----------

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Louth Development Plan 2021-2027 and would not give rise to significant cumulative environmental effects alongside this development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (b) the location of the site on lands zoned Objective A2 New Residential Zone 1 – To provide for new residential neighbourhoods and supporting community facilities under the Louth Development Plan where residential and childcare are permitted uses.
- (c) The pattern of development in surrounding area.
- (d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (e) 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).
- (f) 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).
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (h) 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 Natura Impact Statement, Ecological Impact Assessment,

Acoustic Design Statement, Archaeological Impact Assessment, Traffic and Transport Assessment, and the Site Specific Flood Risk Assessment.

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.

Rachel Gleave O'Connor
Senior Planning Inspector

24 January 2022