



An  
Bord  
Pleanála

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

## Inspector's Report ABP-313083-22

### Strategic Housing Development

272 no. residential units (206 no. houses, 66 no. duplex apartments), childcare facility, community building, public park, and associated site works.

### Location

Bridgegate, Rathgory and Mulladrillen, Drogheda Road, Ardee, Co. Louth. ([www.bridgegateshd.ie](http://www.bridgegateshd.ie))

### Planning Authority

Louth County Council

### Applicant

The Ardee Partnership

### Prescribed Bodies

- i. Irish Water
- ii. Inland Fisheries Ireland
- iii. Development Applications Unit, Department of Housing, Local Government and Heritage

**Observer(s)**

- i. Residents of De La Sale Crescent
- ii. Cherrybrook Residents Committee

**Date of Site Inspection**

7<sup>th</sup> June 2023

**Inspector**

Phillippa Joyce

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The application site is located in the townlands of Mulladrillen and Rathgory, approximately 1km southeast of Ardee town centre. The site is located on the eastern side of the N2 Drogheda Road, the main southern approach road to Ardee. The site has an irregular rectangular configuration and is indicated as measuring approximately c.13.03ha. The site is an outer suburban location and is greenfield in nature, comprising two fields which are separated by a local watercourse, flowing in a westerly direction across the site, bound by hedgerow. The northern field is in Mulladrillen and the southern field is in Rathgory, and the watercourse, referred to in the application documentation as the Rathgory Tributary (a tributary of the River Dee), forms the townland boundary.
- 2.2. The area surrounding the site is characterised by established residential estates including De La Salle Crescent and Moorehall adjacent to the north and northeast of the site, and Cherrybrook adjacent to the west. Adjacent to the northwest is the associated Bridgegate development, Phases 1 and 2 of which are constructed and commenced construction respectively. Adjacent to the east and south of the site is open countryside.
- 2.3. The topography of the site is notable with the northern field incorporating Mulladrillen Hill, which at 54mOD is the highest part of the site. Ground levels slope in a southerly direction to the watercourse at a lowest level of 36mOD, before rising slightly across the southern field to a relatively stable level of 41mOD. Both fields drain towards the centrally bisecting watercourse, and a drainage ditch which extends the length of the eastern boundary.
- 2.4. The site does not have direct road frontage, and access is gained from the west via the Bridgegate development, and from the north via a narrow laneway from Hale Street in the De La Salle Crescent estate which provides access to Irish Water's

water tower on Mulladrillen Hill. The Bridgegate development is accessed via the main entrance from the N2 Drogheda Road, comprising a T junction and two-armed roundabout constructed as part of Phase 1.

### **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development comprises the construction of 272 new residential units (comprising 202 houses and 66 duplex apartments), a childcare facility, and a community building accessed via Bridgegate Avenue (permitted under Phases 1-3 of the Bridgegate development). The proposed development is arranged in four character areas, Area 1: Community Hub, Area 2: Linear Park, Area 3: Central Pocket Park, and Area 4: Neighbourhood Streets.
- 3.2. The proposed development includes for the realignment of the Rathgory Tributary with a new landscaped riparian corridor, two vehicular crossings, and one pedestrian/ cyclist crossing; for a series of public and communal open spaces including a main public park (3.6ha) in the north of the site with two pedestrian/ cyclist links from the west via Bridgegate Green and from the north via Hale Street and two public open spaces forming a linear park along the realigned watercourse; a reservation in the north of the public park for a future east-west link road, the extension of Bridgegate Avenue with footpaths, cycle lanes, and a bus stop, 480 car and 296 cycle parking spaces; and for hard and soft landscaping, boundary treatments, drainage and services infrastructure (surface water, wastewater and water supply), public lighting, ESB substations, and all other site servicing and development works.
- 3.3. The western boundary of the application site incorporates part of the Phase 3 lands of the Bridgegate development (parent permission, PA Ref. 10/174, ABP Ref: PL15.238053 as amended by PA Ref. 19/353, see section 4.0 Planning History below). The proposed development seeks to supercede the permitted development in the subject area with additional residential units and a revised childcare facility and community building. This area of the parent permission is included in the red line boundary, with the remainder of the parent permission included in the blue line boundary, indicating control by the applicant.

3.4. The following tables present the principal characteristics, features, and floor areas of the components of the proposed scheme in summary, which are extrapolated from the application form, plans and particulars with the application.

**Table 1: Key Statistics**

<b>Site Area</b>	13.03ha (gross area) 7.69ha (net area)
<b>Floor Areas (gross floor spaces)</b>	Total Floor Area = 28,810sqm Residential= 28,044sqm Community facility= 165sqm Childcare facility= 484sqm
<b>Residential component</b>	272 residential units 206 houses (c.76% of the scheme) 66 duplex apartments (c.24% of the scheme)
<b>Net Density</b>	c.35dph
<b>Building Height</b>	House types (6 designs): 2 storeys Duplex types (1-8 designs): 3 storeys (principal height, 11.73m)
<b>Aspect (Duplex apartments)</b>	Dual Aspect: 66 (100%)
<b>Open Space</b>	Total Public: 5.39ha Park (3.62ha), Area 1 (1.05ha), Area 2 (0.43ha), and Area 3 (0.29ha) Communal: 499sqm Private: gardens and terraces (various sqm)
<b>Part V provision</b>	Total: 28 units 8 houses (House types 1 and 2) 20 duplex apartments (duplex types D5 and D6, and D7 and D8)
<b>Car Parking</b>	Total: 480 spaces Residential: 362 spaces (houses) and 84 spaces (duplex apartments) Community facility: 6 spaces Childcare facility: 17 spaces

	Visitor: 11 spaces
<b>Bicycle Parking</b>	Total: 296 spaces (i.e. stands) (houses provided with in-curtilage space) Residential: 204 spaces (duplex apartments) Community facility: 12 spaces Childcare facility: 20 spaces Visitor: 60 spaces

**Table 2: Summary of Residential Unit Mix**

<b>Houses (206 houses, 76% of the scheme)</b>				
<b>Unit Type</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Total</b>	50	145	11	<b>206</b>
<b>% of Total</b>	<b>24%</b>	<b>71%</b>	<b>5%</b>	<b>100%</b>
<b>Duplex apartments (66 units, 24% of the scheme)</b>				
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Total</b>	17	24	25	<b>66</b>
<b>% of Total</b>	<b>26%</b>	<b>36%</b>	<b>38%</b>	<b>100%</b>
<b>Overall Unit Mix as % of Total</b>				
<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
17	74	170	11	<b>272</b>
<b>6%</b>	<b>27%</b>	<b>63%</b>	<b>4%</b>	<b>100%</b>

3.5. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:

- Statement of Response to An Bord Pleanála Opinion,
- Statement of Consistency and Planning Report,
- Statement of Material Contravention,
- Architectural Design Statement,
- Housing Quality Assessment,

- Environmental Impact Assessment Report (EIAR) Volume I: Non-Technical Summary,
- EIAR Volume II: Chapters,
- EIAR Volume III: Appendices, including,
  - Bird Evaluation,
  - Dust Management Plan,
  - Construction and Demolition Waste Management Plan,
  - Operational Waste Management Plan,
- Socio-Economic and Housing Supply Assessment,
- Childcare Demand Assessment,
- School Demand and Concentration Report,
- Energy Report,
- Traffic and Transport Assessment (TTA),
- DMURS Statement of Consistency,
- Road Infrastructure Design Report (including a Quality Audit Report),
- Site Specific Flood Risk Assessment (SSFRA),
- Engineering Services Report,
- Utilities Report,
- Construction Management Plan (CMP),
- Construction Environmental Management Plan (CEMP),
- Appropriate Assessment Screening Report (AASR),
- Natura Impact Statement (NIS),
- Landscape Design Rationale,
- Verified Photomontages and CGIs,
- Arboricultural Report,



- Tree Removal and Protection Plan,
- External Lighting Design Report, and
- Letter of consent from Earlstone DAC (a partner in The Ardee Partnership) to for the applicant to include lands in its ownership within the application site (lands associated with the Bridgegate development).

## 4.0 Planning History

### Application Site

*ABP 308282-20*

SHD pre-application consultation for 278 residential units (212 houses and 66 apartments), childcare facility and associated site works was undertaken on 4<sup>th</sup> December 2020. The Board issued an opinion on 14<sup>th</sup> December 2020 that the proposal required further consideration and amendment.

### Parent Permission

*PA Ref. 10/174, PL15.238053, Phase 1*

On appeal, a 10-year permission granted to Rathgory Development Ltd on 16<sup>th</sup> January 2012 for 144 houses (reduced from an initial 281 residential units), creche, community building, and a public park subject to 25 conditions, including conditions which requiring a phased implementation (Phases 1 to 3, Phase 1 limited to 53 dwellings), and was also subject to the upgrading and commissioning of the Ardee WWTP.

Extension of duration (*PA Ref. 21/535*) granted on the 24<sup>th</sup> June 2021 extending the parent permission until 4<sup>th</sup> March 2027.

Phase 1 of the parent permission has been constructed and comprises the main estate entrance, Bridgegate Drive and Bridgegate Park (northern side).

### Key Amending Permissions

*PA Ref. 19/336, Phase 2*

Permission granted to the applicant on 23<sup>rd</sup> July 2019 for 65 houses, a creche, and a community centre.

Extension of duration (*PA Ref. 22/22*) granted on 3<sup>rd</sup> March 2022 extending this amending permission until 31<sup>st</sup> December 2025.

Phase 2 of the parent permission has commenced construction and comprises Bridgegate Vale and groundworks for Bridgegate Park (southern side). Streets not commenced are Bridgegate Grove, Bridgegate Avenue, Bridgegate Meadows, Bridgegate Lawn, and Bridgegate Lane

#### *PA Ref. 19/353, Phase 3*

Permission granted to the applicant on 31<sup>st</sup> July 2019 for 52 houses.

Extension of duration (*PA Ref. 22/25*) granted on 9<sup>th</sup> March 2022 extending this amending permission until 31<sup>st</sup> December 2025.

Phase 3 of the parent permission has not been commenced. Streets not commenced are Bridgegate Green, Bridgegate Avenue, Bridgegate Way, and Bridgegate Crescent.

#### *PA Ref. 21/1475*

Permission granted to the applicant on 3<sup>rd</sup> February 2022 for 3 houses at Bridgegate Grove (replacing 6 houses of *PA Ref. 10/174, PL15.238053* as amended by *PA Ref. 19/336, Phase 2*).

This permission has not been implemented.

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

### **5.1. Pre-Application Consultation**

- 5.1.1. A Section 5 pre application consultation took place remotely via Microsoft Teams on the 4<sup>th</sup> December 2020 (ABP-308283-20) in respect of a proposed development comprising the construction of 278 no. residential units (212 no. houses, 66 no. apartments), childcare facilities and associated site works. The main topics

discussed at the tripartite meeting were (as per the Record of the Meeting, P308283):

- Settlement Strategy,
- Development Strategy,
- Public Open Space,
- Transportation, Water Services,
- EIAR and NIS, and
- Any Other Matters.

5.1.2. A copy of the record of the meeting, the Inspector's report and the Opinion are available for reference by the Board.

## 5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification on the 14<sup>th</sup> December 2020 that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The applicant was advised that certain issues in the documentation submitted needed to be addressed accordingly, including the following:

- Settlement Strategy:
  - Consider requirement for a 10-year planning permission, and demonstrate the remaining phases of the extant permission (ABP PL15.238053) can be delivered in a timely manner, and
  - Justification for proposal with regard to core strategy.
- Open Space:
  - Demonstrate public park complies with zoning and integrates with that of the extant permission (ABP PL15.238053).
- Road Infrastructure:

- Consider location of the link road required by Objective INF13 having regard to zoning of eastern lands as Strategic Reserve and to objective for public park on northern portion of the site.
- Water Services:
  - Consider design of the storm water management proposals, submit a SSFRA, and
  - Consider the layout of the linear park having regard to requirements of Inland Fisheries Ireland guidelines on matter.
- As per the Planning and Development (Strategic Housing Development) Regulations 2017, provide information including:
  - Density, design and character report,
  - Connectivity report,
  - Housing mix report,
  - Taken in charge plan,
  - Phasing plan,
  - School demand report,
  - Irish Water issues,
  - Material contravention statement regarding Ardee LAP and Louth CDP, and
  - AA screening report or NIS as necessary.

### 5.3. Applicant Statement of Response

- 5.3.1. A Statement of Response to the An Bord Pleanála Opinion is submitted with the application. The Statement of Response outlines the amendments made to the proposed development and responds in turn to the items requested to be submitted with the application. Key issues include the following:

#### Settlement Strategy

- 10-year Duration of Permission and Timely Delivery of Scheme:
  - Amended to 7-year permission,

- Required due to the current challenges facing the construction industry arising primarily from the Covid-19 pandemic, increase in lead in times and material and labour costs, all of which have caused delays in completion of units at Phase 1-3 of the Bridgegate development.
- Proposed development is reliant on elements of roads and drainage infrastructure to be implemented in order to progress Phase 4 of the scheme.
- Justification with regard to Core Strategy:
  - CDP Core Strategy indicates a projected population increase for Ardee of 1,655 and a housing allocation of 584 to 2027,
  - Application site forms part of the total lands set out in Column L (A2 zoned lands) of Table 2.17, and
- Proposed development contributes 272 dwellings to the housing allocation in the Plan period and is therefore consistent with the Core Strategy.

#### Open Space

- Public park amended in size, siting, and access,
- Total public park area (in combination with that of Phases 1-3 and excluding east-west link road reserve) is c.7.2ha which is significantly larger than SO 4 requirement of 4.9ha,
- Amended to have increased permeability with pedestrian/ cyclist paths from Bridgegate Green, Bridgegate Drive, and Hale Street, and
- Repositioned nature play area to facilitate indicative road reserve through northern portion of the park.

#### Road Infrastructure

- Since the ABP pre-consultation opinion issued the Ardee LAP, which had included Objective INF 13 requiring the east-west link road, has expired and been superseded by the CDP,
- CDP includes a similar Objective SS 42 requiring a new link road through the application site (there is no map-based route), and

- The proposed development is stated as complying with Objective SS 42 as it includes an extension of Bridgegate Avenue to the eastern site boundary which can facilitate the provision/ serve the purpose of such a link road.

### Water Services

- In consultation with the planning authority a drainage strategy has been developed which reduces peak flows reaching the Rathgory Tributary improving the situation for the receiving area, and
- A SSFRA has been prepared which demonstrates that there is no additional surface water runoff from the development, the peak flow downstream is reduced and that the design appropriately manages flood risk from all sources,
- The SSFRA identifies an area at the eastern perimeter as located in Flood Zone A and B, for which mitigation measures are proposed including its maintenance as open space and provision of a riparian corridor, and
- The design and layout of the linear park and riparian corridor have had regard to the IFI guidelines.

### Other Documents

- All required documents have been prepared and accompany the application.

## **6.0 Relevant Planning Policy**

6.1. Having considered the nature of the proposed development, the receiving environment, the documentation on the case file, including the applicant statements (Statement of Consistency and Material Contravention Statement), submissions from the observers, planning authority, and prescribed bodies, I have identified the policy and guidance considered to be relevant to the determination of the application.

6.2. As necessary, certain objectives are cited in full or greater detail in section 7.0, as relevant to the applicant's statements (Consistency and/ or Material Contravention Statements), in section 9.0, as relevant to the planning authority submission, and/ or in section 11.0 Planning Assessment of this report.

## **6.3. National Planning Context**

## National Planning Framework, Project Ireland 2040 (NPF)

6.3.1. A number of overarching national policy objectives are identified as being applicable to the proposed development from the NPF, including:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 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.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 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.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

#### Section 28 Ministerial Planning Guidelines

6.3.2. The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, the accompanying Urban Design Manual: A Best Practice Guide, 2009 (Sustainable Residential Development Guidelines), and Circular NRUP 02/2021 Residential Densities in Towns and Villages, 2021;
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2022 (Apartment Guidelines);
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines);
- Design Manual for Urban Roads and Streets, 2013 (DMURS);
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines);
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines); and
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021 (Commercial Institutional Investment Guidelines).

#### 6.4. **Regional Planning Context**

##### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

6.4.1. The RSES provides a development framework for the Mid-East Region within which Ardee is located. Reiterating NPF population projections, the RSES indicates a maximum population increase for the region up to 2031 of c.124,500 persons (extrapolated from Table 4.1). Chapter 4 People and Places of the RSES includes a



settlement hierarchy with different urban typologies. The lower order urban centres are required to be defined in applicable development plans.

6.4.2. The settlement hierarchy includes the category of Self-Sustaining Growth Town, which Ardee is defined as in Louth County Development Plan 2021-2027. Accordingly, RSES settlement strategy policy applicable to the proposed development includes:

- Table 4.2 Settlement Hierarchy defines categories of urban centres including that of ‘Self-Sustaining Growth Town’, with which Ardee aligns as towns with a moderate level of jobs and services, good transport links and capacity for continued commensurate growth to become more self-sustaining.
- Table 4.3 Settlement Typologies and Policy Responses states the policy response for Self-Sustaining Growth Towns is for consolidation coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining settlements; and
- In respect of density, the RSES guides that higher densities should be applied to higher order settlements and that a graded reduction in residential densities should be applied for Self-Sustaining Growth Towns that are commensurate to the existing built environment.

## 6.5. Local Planning Context

### Ardee Local Area Plan 2020-2016

6.5.1. The Ardee LAP, which was in place at the time of the pre-planning consultation, has expired and has been superseded by the Louth County Development Plan 2021-2027 (CDP), as varied.

### Louth Development Plan 2021-2027, as varied

6.5.2. The applicable development plan for the assessment of the application is the Louth County Development Plan 2021-2027 (CDP), as varied by Variation 1. Variation 1 varied the CDP to align with the provisions of the RSES, including designating Ardee as a Self-Sustaining Growth Town. The variation was adopted and came into effect on 18<sup>th</sup> July 2022.

- 6.5.3. As the application was submitted to An Bord Pleanála on 23<sup>rd</sup> March 2022, prior to the variation coming into effect, planning documents (such as the applicant's Statement of Response and Statement of Consistency) refer to the CDP prior to the adoption of Variation 1.
- 6.5.4. I highlight to the Board that the key differences arising from the variation relate to housing allocation figures in the CDP's Core Strategy. Prior to the CDP being varied, as indicated by the applicant, the projected population increase for Ardee was 1,655 and a housing allocation of 584 to 2027. Following the variation, Table 2.15: Core Strategy maintains a population increase of 1,655 persons and allocates 440 dwelling units for the town until 2027.

#### Key Map Based Designations

- The site is located within the development boundaries of Ardee (a Self-Sustaining Growth Town, the second highest tier for towns in the county's settlement hierarchy),
- The site is zoned as 'A2 New Residential Phase 1', with the stated objective '*To provide for new residential neighbourhoods and supporting community facilities*'. Permitted uses include residential, childcare facility, community facility, and recreational open space,
- Lands to the north and west are zoned as 'A1 Existing Residential', while lands to the east and south are zoned as 'L1 Strategic Reserve',
- Map based Spot Objective 4 (SO 4) applies to the site, '*To provide a public park with a minimum area of 12 acres*',
- Midway along the eastern boundary part of the site is within a Flood Zone B designation associated with Rathgory Tributary which bisects the site,
- The site is located in the Landscape Character Area: Muirhevna Plain (large plain with fertile agricultural land),
- 'VP 58: Mulladrillen Hill and Mullaghash from the Town Centre' is a protected view from Ardee in a southerly direction towards Mulladrillen Hill, and
- Archaeological monument, LH017-011 a souterrain, is located c.115m to the west of the site.

- In the interest of clarity, there are no further ecological or heritage designations at or adjacent to the site.

Key Applicable Objectives (this list is to be read in conjunction with the objectives identified in the applicant's Statement of Consistency, and identified by the planning authority in the CE Report)

- Chapter 2: Core Strategy and Settlement Strategy contains Table 2.15: Core Strategy, Objective SS 37 (minimum density for residential density in Ardee) and Objective SS 42 (link road),
- Chapter 3: Housing contains Objective HOU 27 (house type),
- Chapter 7: Movement contains Objective MOV 48 (link road) and Table 7.8 (road projects),
- Chapter 8: Natural Heritage, Biodiversity and Green Infrastructure contains Objective NBG 17 (areas of geological interest), Objective NBG 24 (retention of landscape character features), Objective NBG 31 (tree and hedgerow replacement landscaping), Objective NBG 44 (watercourses) and Objective NBG 57 (banks of watercourses), and policy in section 8.11 (trees, woodlands and hedgerows), and
- Chapter 13: Development Management Guidelines, contains Table 13.3: Recommended Density and Plot Ratio, Table 13.11: Car Parking Standards, Table 13.12 Cycle Parking Standards, and policy in section 13.8.11 (bicycle parking), 13.8.18 (car and bicycle parking), 13.16.9 (electric vehicles), and 13.8.13 (boundary treatment).

## 7.0 Applicants Statements

### 7.1. Statement of Consistency

- 7.1.1. The applicant has submitted a Statement of Consistency as per section 8(1)(iv) of the 2016 Act. This statement indicates how the proposed development is consistent with national (including NPF and Ministerial Guidelines), regional (RSES) and local (CDP) policies and objectives. The following points from each are noted:

#### National Policy

- Consistent with several NPF policy objectives through achieving the principles of compact growth, and reinforcing the existing urban structure. The proposal is providing new homes within Ardee's existing development envelope and comprising a sustainable extension to the settlement in an area which has strong physical and social infrastructure and potential for significant growth.
- Consistent with the Sustainable Residential Development Guidelines, accompanying Urban Design Manual, and the Circular Letter: NRUP 02/2021, as the proposal creates a high-quality place to live, satisfies each of the 12 criteria for good urban design, is developed at a density appropriate to its outer suburban/ greenfield location, and is delivering new homes on lands appropriately zoned for new residential development.
- Consistent with the Building Height Guidelines, in particular SPPR 4, as the proposal has a compliant density, mix of building heights and typologies, and avoids mono-type building typologies.
- Consistent with the Childcare Guidelines as the proposal includes for an appropriately sized facility for 100 spaces which caters for the needs of the full Bridgegate scheme (nearly c.400 residential units).
- Consistent with DMURS as its design includes buildings fronting onto streets, provides a mix of in-curtilage and on-street car parking, and creates a pedestrian and cycle friendly urban environment prioritising pedestrian and cyclist movements.
- Consistent with the Flood Risk Guidelines as a Site-Specific Flood Risk Assessment have been undertaken for the proposal in accordance with guidelines which demonstrates the proposal is an appropriate form of development.
- Consistency cited with several other national documents including Housing for All, Rebuilding Ireland, and Quality Housing for Sustainable Communities.

#### Regional Policy

- Consistent with the applicable RSES policy for delivering compact urban development through achieving Core Strategy targets, by proposing a density

appropriate for Self-Sustaining Growth Towns, and for environmental requirements for riparian corridors and open space.

Local Policy – CDP, as varied

- Consistent with the key map-based designations applicable to the site of 'A2 New Residential Phase 1' zoning objective (and permitted use classes therein), and specific SO 4 for the site to provide a public park,
- Consistent with objectives and policy in Chapter 2: Core Strategy and Settlement Strategy in respect of complying with the core strategy allocations for Ardee, supporting the development of the town as a Self-Sustaining Growth Town at a minimum density of 25dph in accordance with Objective SS 37, and specifically with Objective SS 42 by reserving a road reserve corridor in the northern portion of the site and/ or by extending Bridgegate Avenue to the eastern site perimeter.

Objective SS 37:

*'To support the creation of a sustainable compact settlement in Ardee that provides opportunities for walking and cycling and to encourage a minimum density of 25 units/ha for new residential developments',*

Objective SS 42:

*'To facilitate the provision of a new link road from Rathgory and Mulladrillen to Black Road',*

- Consistent with objectives and policy in Chapter 3 Housing through the provision of new homes in a high-quality residential development, and scheme's design creates a new community,
- Consistent with objectives and policy in Chapter 4: Social and Community through the provision of supporting childcare, community and recreational open space uses,
- Consistent with objectives and policy in Chapter 7: Movement through the provision of pedestrian, cyclist, and public transport (bus stop) infrastructure supporting modal shift, several connections ensuring permeability, and facilitating the future provision of the link road in compliance with Objective MOV 48 that

refers to road improvements which in turn refers to the link road from N2 Rathgory to Clanmore,

- Consistent with objectives and policy in Chapter 8: Natural Heritage, Biodiversity and Green Infrastructure as the required environmental, ecological and visual assessments have been undertaken, landscape character and views are protected including the applicable VP 58, and the required compensatory measures for developments resulting in hedgerow and tree removal are provided in compliance with Objective NBG 31 (removal outside of nesting season, trees replaced ratio 10;1, use of native species),
- Consistent with objectives and policy in Chapter 10 Utilities as the proposal is connecting to public services in which there is capacity to service the proposal, several SuDS measures are incorporated into the scheme, development is proposed in Flood Zone C only.
- Consistent with objectives and policy in Chapter 11 Environmental, Natural Resources and the Coast through the provision of an appropriate public lighting scheme, and protection measures for fisheries employed,
- Consistent with objectives and policy in Chapter 13 Development Management Guidelines in respect of, for example, building heights, separation distances between residences, public open space, and play facilities.

## 7.2. Statement of Material Contravention

- 7.2.1. The applicant has submitted a Statement of Material Contravention, in accordance with section 8(1)(a)(iv) of the 2016 Act. This statement identifies the local CDP objectives and standards that the proposed development may be considered to materially contravene and indicates the legislative and national policy context (NPF, RSES and Ministerial Guidelines policy) through which the contraventions, if so found to be, are appropriate. Of note are the following points:

### Applicant's Identified Material Contraventions

- 7.2.2. The applicant identifies potential material contraventions of CDP objectives and policy standards in respect of six topics, as follows:
1. Single Storey Properties,

2. Density,
3. Car Parking,
4. Bicycle Parking,
5. Natural Heritage, Green Infrastructure, and Biodiversity, and
6. Boundary Treatment.

The CDP objectives and standards identified as being contravened and the reason the applicant has given as to why can be summarised as follows:

1. Single Storey Properties

7.2.3. The proposal comprises 272 dwelling units in a mix of houses and duplexes ranging in building height by between 2 and 3 storeys. The proposal does not include any single storey dwelling units.

7.2.4. The proposal is identified as contravening CDP Objective HOU 27 which requires the provision of a single storey dwelling unit per 100 units proposed unless it can be demonstrated there is no demand for such accommodation. The objective is as follows:

Objective HOU 27:

*To require the provision of single storey properties in residential developments in excess of 100 units at a rate of at least 1% single storey units per 100 residential units unless it can be demonstrated by evidence based research carried out by an appropriately qualified professional that there is no demand for this type of accommodation.*

2. Density

7.2.5. The proposal comprises the development of lands located within the development boundary of Ardee, a Self-Sustaining Growth Town, and zoned as A2 New Residential Phase 1. The lands are located to the south of the town centre, close to the southern edge of the town boundary. The proposal has a net density of c.35dph.

7.2.6. The proposal is identified as contravening standards in CDP Table 13.3: Recommended Density and Plot Ratio as the proposed density of the development at c.35dph is in excess of that stated by the applicant as being recommended for

edge of settlement locations (such as the application site) of 25dph. The relevant extract from the table is as follows:

Extract from Table 13.3: Recommended Density and Plot Ratio

Settlement Category	Recommended minimum density per hectare		Plot ratio	
	Town Centre	Edge of Settlement	Town Centre	Edge of Settlement
Ardee	35	25	1	0.5

### 3. Car Parking

7.2.7. The proposal comprises 272 dwelling units in a mix of houses and duplexes served by a total of 446 car parking spaces, equating to 1.64 spaces per unit. The application site is identified as being located in Area 3 for parking standards where the parking requirement for dwellings and apartments is 2 spaces per unit.

7.2.8. The proposal is identified as contravening standards in CDP Table 13.11 Car Parking Standards as the proposed car parking provision of 1.64 spaces per unit is less than the 2 spaces required. The relevant extract from the table is as follows:

Extract from Table 13.11: Car Parking Standards

Development Type	Area 1	Area 2	Area 3
Residential Dwelling	1 per unit	1 per unit	2 per unit
Apartment	1 per apartment	1 per apartment	2 per apartment

### 4. Bicycle Parking

7.2.9. The proposal includes 296 bicycle parking spaces (stands) to serve the duplexes, childcare facility, community building, public open spaces and visitors. Of the 296 cycle spaces, there are 100 spaces provided in three purpose-built covered and secure bike stores. These comprise two Bike Store Units A (44 spaces each) serving the duplex units, and one Bike Store Unit B (12 spaces) serving the childcare facility and community building. The two Bike Store Units A offer 88 covered spaces to the duplex units, with one store located between Blocks A and B, and the other



between Blocks C and D. The remaining 196 spaces are a combination of Sheffield stands and standard cycle stands, which are located throughout the scheme, primarily proximate to open spaces.

- 7.2.10. The proposal is identified as contravening a standard in section 13.8.18 Car and Cycle Parking as not all the cycle parking is sheltered. The standard which describes the nature of the cycle parking spaces is as follows:

Section 13.8.18 Car and Cycle Parking

*A secure and conveniently located cycle parking area shall be provided in apartment developments. This cycle parking area shall be covered.*

5. Natural Heritage, Green Infrastructure, and Biodiversity

- 7.2.11. The application site is located on the Ardee-Newtown Bedform Field, a site of geological interest, and the proposal involves the removal of 7 trees, 7 hedgerows, the realignment of the Rathgory Tributary and associated works within 10m of the banks of the watercourse to provide a new riparian corridor.
- 7.2.12. The proposal is identified as contravening objectives/ standard in Chapter 8 Natural Heritage, Biodiversity and Green Infrastructure relating to the impact on areas of geological interest, removal of trees and hedgerows, creation of riparian buffer zones along watercourses, and ensuring no development occurs within 10m from the banks of watercourses. The identified objectives/ policy are as follows:

Section 8.8 Sites of Geological Interest

Objective NBG 17:

*In consultation with the Geological Survey of Ireland, protect from inappropriate development and maintain the character, integrity and conservation value of those features or areas of geological interest listed in Table 8.4 of the Plan.*

Section 8.11 Trees, Woodlands and Hedgerows

*Other than in exceptional circumstances, there will be a presumption against the removal of trees and hedgerows.*

## Section 8.14 Green Infrastructure

### Objective NBG 44:

*To protect, maintain, and enhance the natural and organic character of the watercourses in the County, including opening up to daylight where safe and feasible. The creation and/or enhancement of riparian buffer zones will be required where possible. All proposed coastal walkways will be required to comply with the Habitats, EIA and SEA Directives.*

### Objective NBG 57:

*To ensure that no development, including clearing or storage of materials, takes place within a minimum distance of 10m measured from each bank of any river, stream or watercourse.*

## 6. Boundary Treatment

7.2.13. There are several boundary treatments proposed for the scheme including the retention and management of existing dense hedgerow around the perimeter boundary, replacement with new hedgerow in locations where existing perimeter hedgerow is removed (parts of the east boundary), boundaries associated with houses (front boundary 1m hedges and rear gardens 1.8m concrete post and timber fences), and boundaries at the interfaces between residences and public areas (1.8m brick work walls and/ or 1.8m rendered blockwall).

7.2.14. The proposal is identified as contravening a standard in section 13.8.11 Boundary Treatment within residential developments as the proposed boundary treatment between house rear gardens is 1.8m high concrete and timber fencing, and for open spaces is 1.8m high walls. The standard which outlines the nature of the boundary treatments is as follows:

### Section 13.8.11 Boundary Treatment

*Boundary treatments in residential developments shall consist of the following:*

- i) The rear boundary shall consist of a 2 metre high block wall;*

- ii) Side boundaries between properties shall be 2 metres in height. If timber boundaries are to be used they must be bonded and supported by concrete posts;*
- iii) Walls bounding any public areas shall be rendered and capped on both sides; and*
- iv) Front boundaries along the estate road and between properties shall be agreed as part of the planning application. They can be open plan, planted, consist of a low-level wall or railing, or as otherwise agreed with the Planning Authority.*

#### Applicant's Justification for Material Contraventions

7.2.15. The applicant has outlined the legislative context facilitating the justification for the material contraventions in respect of section 9(6) of the 2016 Act and section 37(2)(b)(i)-(iv) of the 2000 Act, as amended.

7.2.16. Of the six topics identified, the applicant provides combined justifications for instances where the topics are similar in nature. This is the case for single storey properties and density, and car and bicycle parking.

1. Single Storey Properties, and
2. Density

7.2.17. In respect of residential schemes requiring a certain percentage of single storey properties and to be of a certain density dependant on site location, the applicant submits the material contravention of Objective HOU 27 and Table 13.3 respectively is justified by reason of section 37(2)(b)(i) and (iii), as follows:

- The proposal being of strategic and national importance:
  - compliance with national housing legislation and policy, national planning policy, and planning guidelines;
- Regard being had to national and regional policy, and section 28 planning guidelines:

- The proposal is in compliance with requirements of the NPF (NPOs 1, 3b, 32, and 35);
- The proposal is in compliance with requirements of the RSES (RPOs 3.2 and 9.14);
- Sustainable Residential Development Guidelines require a net density of 35-50dph for outer suburban/ greenfield locations, such as the application site; and
- Building Height Guidelines contain SPPR 4 which requires the achievement of increased density, building heights and typologies at these outer suburban/ greenfield locations.

3. Car Parking, and

4. Bicycle Parking

7.2.18. In respect of residential schemes being provided with a specific number of car parking spaces per unit and bicycle parking spaces of a certain design, the applicant submits the material contravention of Table 13.11 and section 13.8.13 respectively is justified by reason of section 37(2)(b)(iii), as follows:

- Regard being had to national and regional policy:
  - The proposal is in compliance with requirements of the NPF (NPOs 13, 27, and 33); and
  - The proposal is in compliance with requirements of the RSES (Guiding Principles for the Integration of Land Use and Transport).

5. Natural Heritage, Biodiversity and Green Infrastructure

7.2.19. In respect of development on an area of geological interest, tree and hedgerow removal, realignment of a watercourse and development within its 10m riparian corridor, the applicant submits the material contravention of Objective NBG 17, section 8.18, Objective NBG 44 and Objective NBG 57 is justified by reason of section 37(2)(b)(i) and (iii), as follows:

- The proposal being of strategic and national importance:

- compliance with national housing legislation and policy, national planning policy, and planning guidelines;
- Regard being had to national and regional policy, and section 28 planning guidelines:
  - The proposal is in compliance with requirements of the NPF (NPOs 1, 3b, 35, 58, and 64);
  - The proposal is in compliance with requirements of the RSES (RPOs 3.2, 7.26 and 9.14);
  - Sustainable Residential Development Guidelines require a net density of 35-50dph for outer suburban/ greenfield locations, and an efficient use of land; and
  - DMURS requires a legible and quality site layout.

## 6. Boundary Treatment

7.2.20. In respect of the height and type of boundary treatments, the applicant submits the material contravention of a standard in section 13.8.11 is justified by reason of section 37(2)(b)(iii), as follows:

- Regard being had to section 28 planning guidelines:
  - Sustainable Residential Development Guidelines require ‘appropriate’ and ‘suitable’ boundary treatment in respect of residents’ security and privacy; and
  - Apartment Guidelines require for boundary treatment appropriate to ensure privacy and security.

## 8.0 **Observer Submissions**

8.1. Two submissions have been received from third party observers stated as representing the residents’ committees in Cherrybrook and De La Salle Crescent residential estates (with individual addresses of the observers given in each estate). The submissions are both in objection to the proposed development.

8.2. The submissions can be summarised under the following headings:

### Planning History

- Reference made to the 2010 planning permission on the Mulladrillan Hill and associated access, noise, and air disruption and nuisance to neighbouring residents;
- As of 2019, this is the 5<sup>th</sup> application for this development; and
- Masterplan should be drawn up so neighbouring estates know the impact the development will have on their area and the total number of houses when the site is fully complete.

### Facilities and Services

- Ardee is already well catered for with recreational and leisure facilities including walkways, cycle lanes, greenspaces and public parks;
- Ardee does not need the recreational facilities included in the proposed development; and
- Schools in the area are already oversubscribed.

### Residential Amenity

- De La Salle Crescent and Cherrybrook residents do not want any further traffic, walkways and bicycle lanes going through their estates;
- Secure boundary walls will be required to secure the boundaries of neighbouring estates and hedgerows should be on the developer's side;
- Planning application does not seem to have considered the daily effect on residents' lives from air quality, flooding, traffic congestion, and difficulty getting insurance; and
- Increased risk of anti-social behaviour and to safety from having access through an estate i.e. safer if just one entrance way in and out.

### Access, Transport, and Traffic

- Ardee known as a traffic blackspot, especially on the southern side of the town, so residents find it impossible to access their estates;
- Ardee is still waiting on the proposed eastern and western bypasses;

- Object strongly to the development including walkways, bicycle lanes and roads through the Cherrybrook and De La Salle Crescent estates;
- Cherrybrook is a private estate and has not been taken in charge by Louth County Council;
- Access to the N2 is already congested; and
- Proposed access road and footpath infrastructure is in decline and is unable to accommodate and sustain increased traffic and footfall from the proposed development.

#### Water Services and Flood Risk

- Flooding of properties in the De La Salle Crescent estate has occurred associated with the first phase of the development on Mulladrillen Hill;
- Drainage issues on the proposed access route lead to flooding in winter; and
- Flood risk associated with the development to date has caused insurance to be refused to local industry.

#### Other

- No knowledge of the applicant;
- No consultation with or consent from residents of Cherrybrook and De La Salle Crescent;
- Site notices erected in inconspicuous locations; and
- Does the ESB distribution substation designed for a new modern housing and have capacity for much needed new industry in the town.

## **9.0 Planning Authority Submission**

### **9.1. Overview**

- 9.1.1. The Chief Executive's (CE) report, in accordance with the requirements of section 8(5)(a) of the 2016 Act, was received by An Bord Pleanála on the 16<sup>th</sup> May 2022. The planning authority recommends permission be granted for the proposed development subject to conditions.

9.1.2. The report outlines the site location and nature of the proposal, details the planning history, summarises the submissions received from prescribed bodies and third party observers, presents the views of the elected members, provides an assessment (with reference to the applicant's responses to the ABP Opinion, applicable planning policy, and positions of internal sections), a conclusion and recommendation, and conditions.

## 9.2. **Summary of Views expressed by Elected Members**

9.2.1. The CE report refers to a meeting of the Municipal Borough District of Drogheda held on the 7<sup>th</sup> April 2022. The following is a summary of the views expressed by elected members of the proposal:

- Whether Part V requirements apply;
- What are the access arrangements (reference made to an objective for a link road to the west of the site to Black Road/ Jumping Church Road);
- If Cherrywood residential area is taken in charge;
- Lands closer to the town centre are more appropriate for housing;
- Support given for the provision of housing at the site;
- Consideration needs to be given to the availability of services and facilities to serve the proposal; and
- Does this proposal and associated permissions provide for a football field to the north of the site.

## 9.3. **Summary of Planning Assessment contained in the Chief Executive's Report**

9.3.1. The following is a summary of key planning considerations raised in the assessment section of the CE report.

### Compliance with Planning Policy

- Adheres to the policies and objectives of the National Planning Framework through providing the sequential and sustainable development of Ardee;
- Adheres to the principles enshrined in the RSES in respect of urban growth and supporting Ardee as a Self-Sustaining Growth Town; and



- Generally consistent with the relevant policy objectives of the Louth County Development Plan 2021-2027 including Spot Objective No.4 and the zoning of the A2 New Residential in Phase 1 for the town.

### Density and Services

- No concerns for the proposed density of scheme at 35.14dph as the recommended density for edge of settlement sites in Self-Sustaining Growth Towns such as Ardee of 25dph (as per Table 13.3 of the Louth County Development Plan 2021-2027) is a minimum recommendation; and
- Satisfied that the size, location, and phased delivery of the proposed creche is suitable, and that sufficient available capacity has been demonstrated in local primary and secondary schools.

### Design, Layout and Building Height

- Does not consider the attachment of the DAU's recommended Condition 1 (to omit any part of the proposal requiring the removal of the double hedgerow along the Rathgory Tributary and the diversion of this watercourse) to be appropriate;
- Considers that due regard has been had by the applicant to the nature of the hedgerow removal and the design of the realignment of the watercourse;
- While a plot ratio of 0.22 is acknowledged as being less than 0.5 ratio recommended for this edge of settlement location in Table 13.3 of the Louth County Development Plan 2021-2027, acceptable due to topographical constraints on site;
- Satisfied that the proposed development adequately addresses the 12 criteria as set out within the "Design Manual - A Best Practice Guide (2009)" in most regards;
- Considers permeability should be improved as only one vehicular access is provided, while future links are indicated as possible;
- Satisfied that proposed building heights (2 to 3 storeys) are appropriate to the site location and are acceptable; and

- Satisfied that the proposed development will not result in an adverse visual impact on the surrounding landscape.

#### Future Residential Amenity

- Considers the proposal provides a good mix of residential units which are adaptable and can cater for varying demographics, but recommends that two single storey dwellings should be provided (as required in accordance with Policy Objective HOU 27) to cater for the housing needs of less-able-bodied and elderly persons;
- Such a reconfiguration can be within the layout of the scheme and such an amendment is not considered to give rise to new material planning considerations; and
- Satisfied that the scheme will provide for quality urban development and a quality residential environment for future occupants subject to alterations to the bin and cycle stores serving the creche and community building.

#### Open Space

- Satisfied that the proposed areas of open space are of a good size, functional, and with appropriate levels of landscaping; and
- Satisfied that Spot Objective 4 of the Louth County Development Plan 2021-2027 is complied with as the total open space provided within Phases 1 -3 of the permitted Bridgegate development results in a public park area of c.7.2ha (4.9ha required).

#### Access and Transport

- Acknowledges the general layout and location of the future link road is indicated to comply with Policy Objective SS42, however this future link should be constructed up to the eastern boundary of the subject site as part of this development (subject of recommended conditions).

#### Archaeological Heritage

- Concurs with the recommendations of the DAU requiring an archaeological assessment of the site and Underwater Archaeological Impact Assessment by condition (due to the proximity of a recorded monument).

### Water Services

- Satisfied with SSFRA and other supporting engineering reports which indicate an appropriate development strategy for the site, no additional surface water runoff from the development, flood risk managed from all sources with reduced peak flow downstream; and
- Satisfied that the applicant has demonstrated that no third party permissions are required in respect of water and wastewater upgrade works that IW will implement subsequently.

### Phasing

- No concerns regarding the proposed phasing strategy and the delivery of the creche facility, Part V provision, landscaping, and mix and range of unit types therein; and
- Does not agree with the 7 year permission as sought, and instead considers a 5 year permission to be adequate to complete the proposal within a reasonable timeframe as the core strategy numbers for the County have been devised in conjunction with zoned lands to drive delivery of completed units.

### Taking in Charge

- No concerns regarding the proposed taking in charge plan which indicates roads, streets, and open spaces under the local authority's subsequent charge.

### Part V

- No concerns for the proposed Part V compliance of 28 units (8 houses and 20 apartments) which are at locations across the development site and spread within the different phases of the development.

### Environmental Impact Assessment and Appropriate Assessment

- Provision of an Environmental Impact Assessment Report and a Natura Impact Statement are noted, and both are described being as sufficiently robust; and

- An Bord Pleanála is identified as the competent authority with responsibility for undertaking the respective assessments.

#### 9.4. Chief Executive Report Conclusion

9.4.1. The CE Report concludes that the proposal complies with a range of applicable national, regional, and local planning policy, is acceptable in terms of urban design and layout (accessibility, safety), provides an acceptable quantum of development at an appropriate density and building height without causing an undue visual impact.

##### Conditions in the Event of a Grant of Permission

9.4.2. In the event of a grant permission, the CE Report recommends the attachment of 20 conditions. In addition to the standard conditions, those of note include:

- Condition 2 limits the life of the permission to 5 years (7 years applied for);
- Condition 8 requires prior to commencement agreement of amendments to the layout of the scheme to provide for two single storey dwellings and the relocation of bin and cycle store (B) closer to the creche and community building;
- Condition 14 relates to infrastructure to serve the proposed development, and includes submitting revised plans and/ or particulars indicating:
  - details to address the under capacity in the existing Culvert C7;
  - construction of the connector road from the eastern end of Bridgegate Drive, traversing the Public Park & Landscape Amenity Space, up to the eastern boundary of the development;
  - details demonstrating that all proposed traffic calming devices shall comply with Louth County Council Policy on Traffic Calming, 2015, i.e. all raised tables and ramps are to be within 5m of a public light;
  - details demonstrating compliance with section 4.4.9 of DMURS in relation to car parking standards;
  - revised Quality Audit Drawing No. ARDEE-CSC-00-XX-DR-C-1027 to provide a Response to Item 3.4.10 of the Quality Audit; and

- revised landscape details indicating provision of a root barrier system or root cell system to be implemented to prevent any root damage to adjacent footpaths and roads; and
- Condition 20 requires prior to commencement completion and/ or approval of specified archaeological assessments.

## 10.0 Prescribed Bodies Submissions

10.1. The list of prescribed bodies that the applicant was required to notify prior to making the SHD application to An Bord Pleanála, issued with the pre application consultation opinion, and included the following:

- i. Irish Water,
- ii. Inland Fisheries Ireland,
- iii. Department of Culture, Heritage, and the Gaeltacht,
- iv. Department of Education and Skills, and
- v. Louth County Childcare Committee.

10.2. The applicant notified the identified prescribed authorities, and copies of the correspondence are submitted with the application. Of the prescribed bodies notified, submissions on the application have been received from three prescribed bodies. A summary of the submissions made are included in the following subsections.

### 10.3. Irish Water

10.3.1. The submission outlines the position on water and wastewater infrastructure, capacity in the local system, and requirements to service the proposal. I highlight that separate correspondence from Irish Water (Confirmation of Feasibility and Statement of Design Acceptance) also accompany the application (Engineering Services Report, Appendix D).

#### Water Supply

- In respect of water supply, a connection is feasible without infrastructure upgrade; and

#### Wastewater

- In respect of wastewater, a new connection to the existing network is feasible subject to upgrade works, the details of which are:
  - Upsizing of between 300-1000m of existing 225mm sewer along the public road,
  - Third party permissions are not necessary outside the requirements for a road opening licence, and
  - Exact details of the upgrade can be agreed at connection application stage.

#### Recommendation

- The applicant is responsible for the design and construction of all water and/ or wastewater infrastructure within the application site which is necessary to facilitate connection(s) from the proposal to Irish Water's network(s) (referred to as the 'Self-Lay Works' in the applicant's Design Submission).
- If granted permission, requests conditions are attached in respect of a connection agreement, restrictions on proposals to build over/ near or divert existing water or wastewater services, and development to be carried out in compliance with Irish Water standards.

#### **10.4. Inland Fisheries Ireland**

10.4.1. The submission advises that a tributary of the Rathgory Stream, which flows into the River Dee, is located on the site. The Rathgory Stream (Stoneylane Stream) and the River Dee contain valuable fisheries habitat and support stocks of salmon, trout, European Eel, lamprey, pike and coarse fish species among other species (salmon and lamprey species are Annex II listed species in the European Habitats Directive). The Water Framework Directive Ecological status of the waterbody at this location (Dee\_070) is Moderate and At Risk of not achieving Good status.

#### Tributary of Rathgory Stream

- In respect of the works to Rathgory Tributary (realignment of the watercourse and installation of vehicle and pedestrian crossings), the following recommendations are made:

- The realigned channel to display hydraulic and morphological characteristics in line with the requirements of salmonid habitats;
- Detailed design of the channel to be agreed with IFI and be in accordance with IFI guidance (Guidelines on protection of fisheries during construction works in and adjacent to waters);
- Any river or stream manipulation works (bridging, culverting or otherwise) to be agreed with the IFI; and
- Detailed design of all instream structures to be in accordance with IFI guidance (Planning for watercourses in the urban environment) including the retention of a natural riparian vegetation zone (10m minimum) free from development each side of the river, and all planting should consist of native species.

### Stormwater Management

- In respect of stormwater management, stormwater infrastructure should be designed in accordance with the Department of Housing, Local Government and Heritage guidance (Nature-based solutions for the management of rainwater and surface water run-off in urban areas).

### Surface Water Management

- In respect of surface water management during construction phase, the following recommendations are made:
  - Construction works to be in accordance with a Construction Environmental Management Plan which ensures that good construction practices are adopted throughout the construction period and contains mitigation measures to deal with potential adverse impacts;
  - Construction works to be planned in a manner which prevents extensive tracts of exposed soils from being exposed at any one time and which ensures a more progressive clearance of greenfield lands;
  - Specific measures include:
    - an undisturbed filter strip (minimum 10m) to be left along the watercourse;

- protective silt fencing to be erected to safeguard the stream in advance of any construction work,
- no ground clearance, earth moving, stock-piling or machinery movement should occur within this protected area; and
- bio security measures incorporated to prevent the spread of hazardous invasive species and pathogens high pressure steam cleaning of all items of plant and equipment to be used at and adjacent to waters).

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

10.5.1. The submission provides heritage related observations in respect of archaeology, underwater archaeology, and nature conservation.

### Archaeology

- In respect of archaeology, the size of the site (large in scale) and its location within proximity to a recorded monument (RMP LH017-011----Class: Souterrain) are noted, and a condition is recommended to be attached requiring an archaeological assessment, inclusive of research, site inspection, geophysical survey, and test excavations.

### Underwater Archaeology

- In respect of underwater archaeology, the site's proximity to the recorded monument, its inclusion of an area along the stream marked as a millrace and the potential for the proposed bridge-crossings to impact underwater archaeology are noted, and a condition is recommended to be attached requiring an Underwater Archaeological Impact Assessment inclusive of desktop study, dive/ wade survey with handheld metal detector survey.

### Nature Conservation

- In respect of nature conservation, the principal concern is the proposed removal of a watercourse flanked on either side by hedgerows which forms part of the boundary between the townlands of Mulladrillen and Rathgory, of which the following observations are made:



- The rationale for selecting the proposed road and housing layout which results in the clearance of the flanking hedgerows and diversion of the townland boundary stream do not seem to be fully explained in the application;
- The likely loss of the biodiversity from the removal of the double hedgerows and re-routing of the Rathgory Tributary appears to be underestimated in the EIAR and other documentation supporting this application, though its value as a biodiversity corridor is recognised;
- Generally, due to the antiquity of townland boundaries, hedgerows occurring along them typically display a greater floral, and probably faunal, diversity than other hedgerows;
- Omissions and/ or contradictions in the application documentation (primarily related to Chapter 4 Biodiversity of the EIAR) are identified including:
  - The EIAR does not identify that the Rathgory Tributary and the flanking hedgerows are on a townland boundary;
  - The species of woody vegetation occurring in the hedgerows present along the Rathgory Tributary differs between Chapter 4 of the EIAR (elder, blackthorn, hawthorn, holly, dog rose, ash and wild cherry) and the arboricultural report (elder, hawthorn ash and willow);
  - The EIAR refers to the presence of climbing plants ivy and honeysuckle, but does not describe the ground flora of the hedgerows or banks of the stream;
  - The EIAR describes the Rathgory Tributary as heavily silted (which the DAU comments is to be expected due to recent agricultural/ development activity) and continues that no in-stream flora or fauna was noted during surveys of the site;
  - No sampling of the stream for water chemical analysis or invertebrates appears to have been carried out and the presence of fish has not been clarified (though the DAU notes provision for their removal before

the carrying out of the stream diversion is incorporated in the methodology for these works);

- No consideration appears to have been given to revising the scheme layout (as there would appear to be sufficient space for alternative road and housing layouts) to avoid the realignment of the Rathgory Tributary and the removal of the hedgerows along the stream (the DAU notes that the Material Contravention Statement acknowledges these aspects may be considered in contravention of Section 8.11 of the CDP, and that the proposed park at 7.2 Ha is considerably in excess of the 4.9 Ha required in the CDP);
  - Measures, including the planting of native trees as proposed in the new park and the development of the diverted stream channel according to a fisheries compliant design with pools, riffles and glides, are noted but are considered to be unlikely to compensate for the loss of biodiversity which would result from the removal of the historical townland boundary hedgerows and water course;
  - From a biodiversity perspective, the DAC's preference would be that the proposed parkland area be reduced in order to facilitate the modification of the layout of the proposed development, if it allowed the retention of the Rathgory Tributary and its flanking hedgerows in their present location;
- The identification in the NIS of the hydrological pathway between the development site via the Rathgory Tributary and the River Dee to the Dundalk Bay Special Area of Conservation (SAC) and Dundalk Bay Special Protection Area (SPA) 12.1km away is noted, and that while not probable, it is possible that pollutants mobilised from the development site transported downstream could potentially have detrimental effects on these Natura 2000 sites;
  - The NIS and the CEMP detail an extensive suite of measures which will be employed during the proposed development works and especially during the

diversion of the Rathgory Tributary to avoid the mobilisation of pollutants into surface water runoff;

- The NIS concludes that with the implementation of these measures it is not likely that the proposed development will result in detrimental effects on the downstream Natura sites, which is accepted by the DAC;
- However, the DAU highlights that the requirement to implement many of these measures would not arise however if the realignment of Rathgory Tributary as presently proposed could be avoided; and
- Conditions are recommended to any planning permission granted requiring the following:
  - Bridgegate Avenue and any other part of the development requiring the removal of the double hedgerows along the Rathgory Tributary and the diversion of this water course shall be omitted from proposed development or redesigned so as to allow the retention of these features; and
  - Measures proposed in the EIAR, NIS and CEMP to prevent the mobilisation of pollutants from the proposed development which might result in detrimental effects on downstream water quality and European sites are to be incorporated in a finalised CEMP for agreement with the planning authority.

## **11.0 Planning Assessment**

### **11.1. Introduction**

11.1.1. In having examined the application details, including the CE Report and other submissions received, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development,
- Planning History,
- Density, Population and Services,

- Design, Layout and Height,
- Residential Amenity of Proposed Properties,
- Residential Amenity of Adjacent Properties,
- Biodiversity and Green Infrastructure,
- Cultural Heritage and Archaeology,
- Transport and Traffic,
- Water Services and Utilities,
- Chief Executive Report, and
- Material Contravention.

I propose to address each item in turn below.

11.1.2. I confirm to the Board that I have carried out an Appropriate Assessment (AA) and an Environmental Impact Assessment (EIA) in respect of the proposed development, presented in sections 12.0 and 13.0 below in this report.

## 11.2. Principle of Development

11.2.1. As outlined above in section 6.0, the Louth County Development Plan 2021-2027, as varied (CDP) is the applicable development plan for the assessment of the application. The site is zoned as A2 New Residential Phase 1, the objective of which seeks 'To provide for new residential neighbourhoods and supporting community facilities', and is subject to a specific Spot Objective SO 4 which seeks 'To provide a public park with a minimum area of 12 acres (4.9 hectares) as part of a residential development.'

11.2.2. The proposed development comprises a residential scheme with a childcare facility, a community building, and a public park, all of which are use classes that are permitted in principle under the A2 New Residential Phase 1 zoning objective. Therefore, the principle of development is acceptable subject to the detailed considerations in the following sections.

## 11.3. Planning History

- 11.3.1. As outlined in section 4.0 above, the planning history of the adjoining lands is of particular relevance to the proposed development. The Bridgegate parent permission and two amending permissions represent Phases 1, 2, and 3 respectively. I direct the Board to the applicant's Architectural Design Statement (pg. 3), Statement of Consistency and Planning Report (pg. 3), and Dwg PA 001-Proposed Masterplan which outline and present the planning history at the site and adjacent lands. As confirmed at site inspection, Phase 1 is complete, Phase 2 has been commenced but not completed, and Phase 3 has not been commenced.
- 11.3.2. In short, the development permitted in Phases 1-3 comprised 158 dwellings units, a childcare facility, community centre, public park, and main access road. On foot of PA Ref. 21/1475, permission was granted to omit 3 houses on Bridgegate Grove (Phase 2). This amending application was decided after the application was lodged. This permission results in a reduction in the total number of permitted dwellings in Phases 1-3 to 155 no. units.
- 11.3.3. The application site incorporates an area to the eastern part of Phase 3 (Bridgegate Crescent, Bridgegate Way and part of Bridgegate Green) on which 31 houses, the childcare facility and community centre are permitted. In respect of the houses, the proposed development seeks to replace these with additional houses. The result of PA Ref. 21/1475 and the proposed development would be to reduce the total number of dwelling units in Phases 1-3 to 124 dwelling units. The total combined number of dwelling units from Phases 1-3 (as amended) and Phase 4 (the proposed development) is 396 units.
- 11.3.4. As referred to above, I highlight to the Board that the information as lodged predates the permission granted for PA Ref. 21/1475, which results in a reduction of 3 houses from the figures that have been indicated in the submitted documentation (i.e. 158 permitted in Phases 1-3, and a proposed total of 399 in Phases 1-4), and changes in house types in the applicable area (i.e. Bridgegate Grove, northern part of Phase 2, west of De La Salle Crescent). I consider these differences are relatively minor and are not of material consequence to the assessment of the proposed development.
- 11.3.5. The proposed development seeks to extend, connect to, and be serviced by existing and permitted infrastructure associated with the parent permission. These include the main access arrangements (entrance from the N2 Drogheda Road, T junction

and roundabout, primary access road, paths) via Bridgegate Avenue which is extended in an easterly direction across the site, and the water services infrastructure (water supply, wastewater and surface water drainage) as constructed to Bridgegate Park (Phase 1) and/ or permitted along Bridgegate Avenue (Phase 2).

11.3.6. The subject area of the parent permission (eastern part of Phase 3) is included in the red line boundary, with the remainder of the parent permission included in the blue line boundary, indicating control by the applicant. A letter of consent accompanies the application, and I am satisfied that the applicant has demonstrated sufficient interest to make the application, consent to connect to services, and that there is no impediment arising from the planning history preventing same.

11.3.7. In respect of duration of permission, I note from the planning history that the parent permission was granted for a 10-year period which has been extended by a further c.5-year period. The applicant has applied for a 7-year permission to implement the proposed development. While I note the length of the duration of permissions to date, and I acknowledge the concerns of the planning authority which form the basis of the recommended Condition 2 restricting the life of the permission to 5 years, I consider the proposed development has certain features, namely the realignment of the stream requiring agreement with the IFI, completion of separate application processes under the Arterial Drainage Act with the OPW (section 9 for hydraulic conveyance and section 50 for culverting the watercourse), undertaking in-stream archaeological investigations, and the extent of ground works, that are material issues which justify the longer than usual 5 year period for implementation. I consider the longer duration period will ensure the proper completion and satisfactory delivery of the overall Bridgegate development. Further, I do not consider this to be a material issue for the Core Strategy allocations as indicated by the planning authority in the CE Report.

#### 11.4. **Density, Population and Services**

11.4.1. In addition to the applicant's Statement of Consistency and Planning Report, are several other documents relevant to this issue to which I have had regard. These include the Architectural Design Statement, Socio-Economic and Housing Supply Assessment, Childcare Demand Assessment, School Demand and Concentration Report, and Chapter 3 of the EIAR.

11.4.2. The total site area is indicated as c.13.03ha, with a net developable area of c.7.69ha on exclusion of public open space areas primarily the main public park. The site is indicated as including a total of c.5.39ha of public open space, and the residential density for the proposal is cited as c.35 dwellings per hectare (dph).

#### Residential Density

11.4.3. As outlined in section 6.5 of this report above, the site is located on zoned lands within the development boundary of Ardee. In the CE Report, the planning authority finds the proposed density of c.35dph to be acceptable and in accordance with the Sustainable Residential Development Guidelines, and to deliver a scale of growth which accords with Ardee's classification as a Self-Sustaining Growth Town in the RSES and as confirmed in Louth's Core Strategy.

11.4.4. In respect of national policy on classification of the site for density purposes, I consider the site to be an outer suburban/ greenfield location in a large town for which the Sustainable Residential Development Guidelines require a density range of 35-50dph. Further applicable national policy on density in greenfield locations is in the Building Height Guidelines included in SPPR 4, which the Board is required to apply. The SPPR is as follows:

SPPR 4:

*It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/ town locations for housing purposes, planning authorities must secure:*

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

- 11.4.5. I consider the proposal satisfies the requirements of SPPR 4 due to having a residential density within the applicable density range, by including a mix of building heights (2 to 3 storeys), building typologies (houses and duplex apartments), and avoiding mono-type building typologies (6 house types, 8 variations of duplex units, range of residential units varying in sizes to cater for a range of demographic needs).
- 11.4.6. I consider the proposal to accord with regional policy by constituting a density which is reduced from that required for higher order towns in the region (i.e. Dundalk and Drogheda), and which is appropriate for Ardee as a Self-Sustaining Growth Town and for the location of the site due to the existing pattern of development in and the transitional nature of the receiving area. Similarly, I consider the proposal to be consistent with local policy for consolidated growth and density.
- 11.4.7. Of the latter, the applicant identifies the proposed density of c.35dph as a potential material contravention of the CDP due to Table 13.3: Recommended Density and Plot Ratio referring to a density of 25dph for edge of settlement sites. I have reviewed Table 13.3 (relevant extract is cited in section 7.2 above) and I do not find this to be the case. I highlight to the Board that the wording used in the table refers to a recommended minimum (not maximum) density per hectare. The reference to a minimum density of 25dph in Ardee is reiterated in Objective SS 37. Accordingly, I find the proposed density of c.35dph to come within the density allowable in Table 13.3, and I do not find the proposed development to be a material contravention of CDP Table 13.3.
- 11.4.8. In any event, as outlined above, I find the proposed density to be in accordance with national and regional policy, which have largely been incorporated into objectives and policies in the CDP. I concur with the applicant's Statement of Consistency, in submitting the proposal complies with several applicable CDP objectives in Chapter 2 (e.g. Objectives CS 13, SS 35, and SS 37).
- 11.4.9. I have considered the concerns raised in the observer submissions, the positions of the planning authority and the applicant, noted the planning history in the vicinity of the site and had regard to the relevant policy context. While I note that the residential density of the proposal at c.35dph is at the lower end of the density range of 35-50dph required for the site, I consider this density to be acceptable in this instance due to the location of the site in the town, the specific nature of the site



(bisected by a stream, steep topography of Mulladrillen Hill, and subject to SO 4 to provide a public park), and the need to balance the site's fluvial setting with developing a scheme at a sustainable density to ensure efficiency of resources and public infrastructure.

- 11.4.10. In the interests of clarity for the Board, with regard to CDP Table 13.3 and recommended plot ratio values, I note that the plot ratio of the proposal at 0.22 is less than the 0.5 ratio value recommended in the CDP. However, for the reasons outlined above with regard to the density of the scheme being appropriate, I find the plot ratio to be acceptable. Similarly, I find the ratio of the proposed development to be a contravention of the CDP but not one of materiality.

#### Population Increase

- 11.4.11. Observations, made on behalf of the residents' groups in the adjacent Cherrybrook and De La Salle Crescent estates, object to the increase in population associated with the proposal and the subsequent demand on limited services and resources in the town, and use of the adjacent residential estates. The schools are described as being at capacity and oversubscribed. Further, the observations state that Ardee is well catered for with recreational and leisure facilities including walkways, cycle lanes, green spaces and public parks, that the town does not require the recreational facilities included in the proposed development, in particular the public park.
- 11.4.12. In applying the 2016 national household average size, I estimate that the proposed development has potential to accommodate 748 persons. Chapter 3 of the EIAR applies a lower household average, citing the NPF for 2040, and estimates a potential population increase of 680 persons. The School Demand and Concentration Report applies the 2016 national household average size. I consider an increase in population associated with the proposal in the range of 680-748 persons to be a reasonable estimation.
- 11.4.13. The RSES includes for the category of Self-Sustaining Growth Town, which in the CDP as varied, is applied to Ardee and represents the second highest tier for towns in the county's urban hierarchy (after the regional growth centres of Dundalk and Drogheda) and is only one of two such towns in the county (the other being Dunleer). As derived from the RSES, CDP Table 2.15: Core Strategy (varied by

Variation 1) indicates the distribution of future population and the allocation of housing across the county during the CDP period until 2027. For Ardee, this includes 1,655 persons and 440 dwelling units. Key applicable CDP policy for the proposed development includes Objectives CS1, CS3, and CS4 which, respectively, require the implementation of the Core Strategy and the Settlement Strategy, the support of self-sufficient sustainable development of settlements in a planned manner with population growth occurring in tandem with the provision of economic, physical and social infrastructure, and the application of phasing to the delivery of new residential development whereby residential development will generally only be permitted on Phase 1 lands.

11.4.14. Therefore, on balance, while I note the concerns expressed in the observations in respect of population growth and demand on resources, I consider the potential population increase arising from the proposal to be consistent with national and regional policy, to be within the population and housing forecasts envisaged for Ardee in the Core Strategy of the CDP, and not to be injurious to the area in due course.

#### Social Infrastructure Requirements

11.4.15. One of the main planning considerations arising from a population increase is the additional demand on facilities and services. Accompanying the application are the Childcare Demand Assessment, and School Demand and Concentration Report. These reports indicate the range of facilities and services in the area and capacity available therein. For example, with regard to statements in the observations that the schools in the area are oversubscribed, the School Demand and Concentration Report analyses primary and secondary schools and indicates there is adequate capacity (primary and secondary schools undergoing/ completed notable extension works) to accommodate the demands arising from the population of the proposal (c.90 children to primary school and c.63 children to secondary school). I consider the area to be in transition, with facilities and services being developed and provided, and will continue to be delivered in time.

11.4.16. The proposed development includes a notably sized public park, and a childcare facility and a community building in adjacent detached buildings in Character Area 1: Community Hub. The childcare facility, a part single and part 2

storey purpose-built facility, is indicated as measuring c.481sqm and catering for 100 children. The enlarged facility is catering for the needs of the entire Bridgegate development (396 dwellings) and is replacing the childcare facility permitted under a previous consent (Phase 2) which measured 378sqm and had capacity for 42 children.

11.4.17. The Childcare Demand Assessment outlines the level of provision of existing and permitted childcare facilities in the area, estimates capacity and future demand. I note the quantum and geographic dispersion of facilities identified by the applicant, the demand generated from the demographic profile, and relevantly that section 4.7 of the Apartment Guidelines advises that 1 bedroom apartments (which comprise 17 units/ 6% of the proposed scheme) can be excluded from generating a demand for such a facility and that a case can be made for excluding 2 bedroom apartments (24 units/ 9%). The applicant excludes all 1 bedroom and 30% of the 2 bedroom apartments, estimating a childcare demand from 233 residential units of 62 children. The applicant indicates the childcare care facility will be delivered on a phased basis to match demand for the service (constructed as part of Phase 1 with 40 units and the community building and Phase 3 with 48 units and the public park).

11.4.18. While I note that the staggered provision of a childcare facility is not an optimum solution for the adjacent Bridgegate development (as the proposed facility is replacing the permitted facility in Phase 2), on balance having regard to the foregoing, I accept the case outlined by the applicant and agree that a purpose-built childcare facility sized to cater for 100 children (thereby meeting the childcare needs from the overall residential development) is acceptable.

11.4.19. The proposed development includes a community building (165sqm) for residents located in Character Area 1: Community Hub, adjacent to the childcare facility. I positively note the inclusion of this dedicated space and amenity use in the proposed development as it will contribute to the amenities of future residents. While its location is at somewhat of a remove from residents in Character Area 4: Neighbourhood Streets, I consider the siting of such a facility at this location in Character Area 1 to be an appropriate option due to accessibility on the main access road, and proximity to the childcare facility, the public park, and the linear park.

11.4.20. In the CE Report, the planning authority finds the childcare facility to be adequate and that sufficient capacity in the schools has been demonstrated to serve the proposal. I note that the recommended Condition 8 requires the relocation of the proposed bin and cycle store (Unit B) to be closer to the childcare facility and community building. However, I do not consider the distance to be excessive and find the corner location to be acceptable and favourable in terms of amenity and visual impact.

#### Conclusion

11.4.21. In conclusion, I consider that proposed development comprises an appropriate density having regard to the characteristics of the site, and national guidance in respect of density at locations such as the application site. I consider that the scale and form of development is as stipulated in national policy (in particular SPPR 4 of Building Height Guidelines) and as envisaged in regional policy. The proposed number of units being provided, and scale of population being generated is appropriate to Ardee as a Self-Sustaining Growth Town and aligns with the Core Strategy thereby complying with several applicable CDP objectives. Supporting services and facilities to serve the growing population are being provided and will continue to be. The proposed development is consistent with the emerging pattern of development in the area.

### 11.5. **Design, Layout and Height**

11.5.1. The application includes several documents of relevance to the design, layout, and building height of the scheme, which I have reviewed and had regard. In particular, these include the Architectural Design Statement, Landscape Design Rationale, Arboricultural Report, and Verified Photomontages and CGIs. I propose to address each component in turn in the following subsections.

#### Design Approach

11.5.2. The design approach for the proposed development has been determined by its key characteristics, including its composition from two fields traversed by a local stream (Rathgory Tributary) and its notable topography (Mulladrillen Hill is located within the northern portion of the site), and by its context, including the existing pattern of

development (De La Salle Crescent and Cherrybrook estates) and the recent planning history (Bridgeway development) in adjoining lands.

- 11.5.3. The key statistics of the proposal include a gross site area of c.13ha, a net developable area of c.7.7ha, c.5.4ha of total open space (c.41% of the gross site area), a site coverage of c.12.4% and a plot ratio of 0.22. These statistics reflect more the open nature of the scheme as opposed to the relative compactness of the built environment (as per pg. 18, Architectural Design Statement). A notable feature in the design approach is the proposed realignment of the Rathgory Tributary involving the removal of adjacent hedgerows and the development of a new riparian corridor along either side of the straightened watercourse. The applicant indicates the realignment of the stream is necessary to allow an efficient legible internal layout, achieve the required density of residences, and to enhance the watercourse and develop a riparian corridor for amenity and biodiversity purposes.
- 11.5.4. Of the site's key characteristics, save for the realignment of the stream, the proposed buildings and infrastructure are arranged to fit within the boundaries of the two fields, with the childcare facility, community building and a row of duplex blocks sited in smaller northern field, and the majority of the dwelling units accommodated in the larger southern field. Public open spaces are appropriately located in response to the topography and drainage conditions of the site, most notably the large public park incorporates the highest part of the site, and the linear park extends on both sides of the realigned stream. The design approach includes for the creation of four character areas, Area 1: Community Hub, Area 2: Linear Park, Area 3: Central Pocket Park, and Area 4: Neighbourhood Streets (as per pg. 21, Architectural Design Statement).
- 11.5.5. Of the site's context, the proposed development has been influenced by the availability of access to the existing road network and to water and drainage services, and by proximity to existing residential properties. Proposed access points are logically determined by existing and permitted infrastructure (main access from the west is via an extended Bridgeway Avenue, the primary road permitted with Phases 1-3, and a pedestrian/ cyclist access from the northeast via the existing public laneway onto Hale Street in the De La Salle Crescent estate) where

pedestrians, cyclists and drivers can join the local road network at existing safely operating points.

11.5.6. As such, I consider the design approach to be responsive to the site's characteristics and context, and the proposed buildings to be sited accordingly within the scheme. I find the character areas to be distinctive and that the proposed houses and duplexes are consistent with and complementary to each other in terms of design, orientation, building footprint, and building heights. The siting of houses along the western perimeter of the site is consistent with the existing pattern of development (Cherrybrook and Rathgory), responsive to the scale and nature of adjacent properties, and separation distances available. I find that the design approach to the proposed childcare and community buildings to be responsive to the adjacent permitted housing in Bridgegate Green (Phase 3). Similarly, I consider the design and layout of the proposed houses along the southern and eastern perimeters responds to the future development potential of these lands (zoned as L1 Strategic Reserve) and does not compromise same.

11.5.7. In terms of good architectural and urban design, both the Sustainable Residential Development Guidelines and accompanying manual, require that developments achieve efficient use of finite resources, whilst ensuring the creation of distinctive urban developments. I consider the proposed development meets the 12 criteria referred to in the manual, in particular, the distinctiveness indicators. This is due to the creation of character areas, the variety of open spaces, and the realignment and development of the watercourse as a feature of the scheme. The design and layout of the scheme also optimises use of the publicly shared resources (open spaces, roads, services), thereby being an appropriate basis for the design approach.

#### Layout: Access and Permeability

11.5.8. The scheme is proposed to be accessed from the existing entrance of the Bridgegate development, which connects to the N2 Drogheda Road, by extending the permitted Bridgegate Avenue in an easterly direction. In the public park in the northeast of the site, a pedestrian/ cyclist access is proposed via a public laneway to Hale Street/ De La Salle Crescent estate. There is therefore one primary road in the scheme, Bridgegate Avenue, which traverses centrally through the scheme on an east-west alignment from which predominately secondary streets project, one in a

northerly direction (Bridgeway Green in Phase 3), and three in a southerly direction crossing the stream (two vehicular and one pedestrian/ cyclist).

11.5.9. The internal layout of the scheme is characterised by the east-west alignment of Bridgeway Avenue and use of the duplex block typology, the grid layout in the southern area with dwellings backing onto the site's perimeters, and the provision of several notable areas of open space (public park, linear park). The layout is clear and legible, with cycle routes and particularly pedestrian routes positively incorporated into the scheme. The cycle routes are designated along the primary road thereby ensuring safe and convenient ease of access through the scheme. The scheme has several pedestrian pathways along the main road, secondary streets, to and through the open spaces, of particular note is the north-south route extending the length of the site connecting each of the four open space areas (discussed in subsection below). The internal layout provides for secondary streets to potentially connect with an existing road in Cherrybrook, and (as confirmed at site inspection) an unpaved laneway to the south of Rathgory estate.

11.5.10. With regard to the permeability of the proposed development, I note the strong opposition from observers to the proposed (De La Salle Crescent) and potential (Cherrybrook) connections with the scheme and the use of the existing estates by future residents. However, I consider that the highest possible levels of permeability for all transport modes are desirable and beneficial for residents in new residential schemes and the wider community. I have considered options for increased permeability as raised by the planning authority in the CE Report. The applicant indicates that Cherrybrook estate has not been taken in charge by the local authority and as such it is only possible to indicate a potential connection with the proposed development and not implement same in the proposal. I consider that, by aligning the road layout along the western perimeter to allow for future connection opportunities with Cherrybrook and Rathgory, the applicant has reasonably incorporated future permeability opportunities into the scheme's design.

11.5.11. Having regard to the restricted access options, I consider the layout of the scheme allows for a sufficiently permeable and connected urban environment for pedestrians, cyclists, and vehicles. The design of the scheme includes opportunities for increased future permeability to existing development to the west and to

greenfield lands to the east and south and on balance, I find the layout to be acceptable.

#### Layout: Public Realm

- 11.5.12. The principal elements in the public realm are the interfaces between the buildings' ground floor levels, adjacent streets and paths, and the hierarchy of public open spaces. I have examined the manner in which the houses and blocks have been designed to address the primary access road, streets, pedestrian/ cyclist paths, parking areas, open spaces, and the boundary treatments proposed. On balance, I consider these interfaces to be clearly delineated by soft and hard landscaping, safe, overlooked, and likely to be active with several well trafficked by pedestrians.
- 11.5.13. A key feature of the layout of the proposed development is the open space provision. The proposal has four areas of public open space, located across the scheme. Principal among which is the public park incorporating Mulladrillen Hill (c.3.6ha), with other areas POS 1 and POS 2 corresponding with the eastern and western sides of the linear park (c.1.48ha) along the watercourse, and POS 3 in the southern central area (0.29ha). The Architectural Design Statement, the HQA, the Landscape Design Rationale and associated landscape plans and the boundary treatment plan, outline the design approach, the key quantitative and qualitative parameters, and the species and planting programmes.
- 11.5.14. The application site is subject of Spot Objective SO 4 which seeks '*To provide a public park with a minimum area of 12 acres*'. I confirm to the Board that I have reviewed the applicant's information on the matter. The proposed public park measures 3.6ha, and when combined with the area provided in Phases 1-3 of the Bridgegate development, the total public park area equates to c.7.9ha. As this area is notably in excess of the required 4.9ha (12 acres), I am satisfied that the proposed development complies with CDP SO 4.
- 11.5.15. Other applicable CDP local policy for open space includes sections 13.8.15 and 13.8.16 which indicate requirements for quantitative (a minimum requirement of 15% for open space in greenfield sites) and qualitative (provision of play facilities). In respect of quantitative parameters, the applicant indicates that c.41% of the gross site area is provided as public open space, thereby comfortably satisfying the general requirement for 15%.



11.5.16. In respect of qualitative parameters, the main public park is provided with a nature-based playground, dog park, seating and picnic areas, the linear park accommodates a kickabout area, amphitheatre, equipped fitness spaces, and seating, and the southern central area has a nature-based playground and grassed area. While I note that the totality of these open space areas do not fully function as usable open space (due to the steep topography of the public park, riparian corridor along the realigned stream, and attenuation tanks located within parts of POS 1-3), I am satisfied they are of ecological, visual, and passive amenity value and contribute to the distinctiveness and quality of scheme. Overall, I consider the open space and landscaping strategy for hard and soft landscaping to be functional, distinctive, and of a high quality and to comply with the requirements of the applicable CDP policy.

11.5.17. Further, while a daylight and sunlight assessment has not been undertaken for the proposal, I am satisfied that the public realm is of sufficient quality and offers an acceptable level of amenity for pedestrians and other users. The industry standard (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, BRE Guide 209: 2022) recommends that for an amenity area to appear adequately sunlit throughout the year, at least half of the area should receive two or more hours of direct sunlight on March 21<sup>st</sup>. Having regard to the orientations of the open spaces, the available separation distances from closest buildings, and the modest building height of these buildings, I anticipate that each amenity area will effortlessly achieve the BRE guidance recommendation and that no undue overshadowing is likely to be experienced in the schemes' public realm.

11.5.18. Finally, I note that the applicant indicates the open space areas and other public realm interfaces as being taken in charge by the local authority on the respective Dwg PA-007. While the planning authority in the CE Report indicates acceptance of the taking in charge details, due to the nature of the open spaces (particularly the linear park with a watercourse and riparian corridor) and the provision of duplex units with communal open spaces and services in Character Area 2: Linear Park, I recommend the matter of taking in charge be addressed by conditions requiring final agreement for the management and maintenance of the overall scheme, and specifically of the communal areas.

#### Building Height

- 11.5.19. The proposed development comprises four blocks of duplex apartments in the northern portion of the scheme, and several terrace rows of houses some of which feature end of terrace duplexes in the southern part of the scheme. The duplexes/ duplex blocks vary in design, scale and massing though are consistent in building heights of 3 storeys with principal dimensions of c.11.8m. The houses are 2 storeys in height with variations in principal dimensions of between c.8.5m-9.5m, design and massing.
- 11.5.20. The 3 storey duplex blocks are sited to address Bridgegate Avenue and the linear park to the south and the public park to the north, while the end of terrace duplexes in the streets to the south are located at street corners and intersections with open spaces. Only the western boundary of the site is adjacent to existing residential properties which are single storey dwellings in Cherrybrook, and 2 storey dwellings in Rathgory. The proposed dwellings along the western are all 2 storey in building height. As such, I consider the design approach to building height to have appropriately responded to the nature and scale of the existing properties.
- 11.5.21. The Building Height Guidelines outline national policy for building heights in suburban/ edge town locations, such as the application site. The guidelines indicate that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing neighbourhoods. This requirement is incorporated into the applicable SPPR 4, which the Board is required to apply. SPPR 4 requires a greater mix of building heights and typologies, and the avoidance of mono-type building typologies. Local policy on building height is included in section 13.8.6 and 13.8.13 which incorporate and refer to the requirements of the Building Height Guidelines and developments including a variety of building heights. I am satisfied that the proposal meets the requirements of SPPR 4 due to including a mix of building heights (2 to 3 storeys), building typologies (dwellings and duplexes), and avoiding mono-type building typologies (several house types, and variations of duplex unit sizes included to cater for a range of demographic needs). Further, by extended reference, I consider that the proposal complies with CDP policy on same.
- 11.5.22. I have reviewed the submitted building elevations, streetscape drawings and site cross sections. The design approach to building height employed by the applicant uses an architectural language for the dwelling types and duplex blocks

(design, proportions, materials, elevational elements) that I consider to be consistent and complimentary to each other whilst featuring sufficient differences in orientation, building footprint, scale, roof profile and ridge heights to provide variety, visual interest and a degree of distinctiveness. As is discussed in greater detail in section 13.0 below with regard to Chapter 9 in the EIAR, I consider that the visual impact of the proposed development on the receiving area is significant and neutral/ positive in effect.

### Conclusion

11.5.23. In conclusion, I am satisfied that the design and layout of the proposed development is well considered and with a sound basis. I find the approach to the architectural design the siting of the duplexes and houses and choice of external finishes to be acceptable. The scheme features a hierarchy of streets, routes and paths, and a variety of different functioning open spaces. I consider the scheme to be a legible urban environment, with a public realm that is accessible, well connected, and not overshadowed. I consider the design approach to building height within the proposed development to be acceptable as it incorporates a variety of building formats with varied building heights, alternating roof profiles, which are consistent with and complimentary to each other. I consider the proposed development to have a significant neutral/ positive effect in the visual amenity of the site and within the wider area. I am satisfied that the proposal complies with the requirements of SPPR 4 in the Building Height Guidelines, CDP policy (as identified in the applicant's Statement of Consistency and listed in the planning authority's CE Report) and is therefore acceptable.

### **11.6. Residential Amenity of Proposed Properties**

11.6.1. There are several documents included within the application which are relevant to this issue to which I have had regard. These include the applicant's Statement of Consistency and Planning Report, Architectural Design Statement, Housing Quality Assessment (HQA), Socio-Economic and Housing Supply Assessment, and Childcare Demand Assessment. The residential amenity of future occupants, the residential unit mix, and quantitative and qualitative standards in the proposal are examined and assessed in the following subsections.

#### Residential Amenity for Future Occupants

- 11.6.2. The proposed development comprises 272 new residences, including 206 houses and 66 duplex units. The houses are accommodated in the southern portion of the scheme arranged in terrace rows forming several streets, 9 of which feature end of terrace duplexes (18 units). The majority of the duplex units (48 units) are arranged in four blocks in the northern portion of the scheme. The proposal includes 14 designs for the residential units, including 6 house types and 8 duplex designs, and has capacity to accommodate between 680 and 748 new residents.
- 11.6.3. The proposed development is also provided with a purpose-built childcare facility and standalone community building that will serve the residents and contribute to their residential amenity. Residents will have access to a range of public open space areas with children's playgrounds, fitness areas, and kickabout areas incorporated into the scheme. Residents of the houses will have in-curtilage car and cycle parking spaces and a refuse storage area, while residents of the duplex apartments will have access to communal open space, shared car and cycle parking, and refuse storage and collection, all in a secure, managed environment.
- 11.6.4. Residents will be able to move easily within the scheme as the internal layout provides for pedestrian and cyclist movements and gives satisfactory priority to same. In section 11.5 above, I outlined my reservations regarding the extent of permeability to and through the scheme to the receiving area but acknowledge that there are limitations for reasonable and suitable options. I positively note that the design of the scheme allows for future connections to the undeveloped lands to the east and south zoned as L1 Strategic Reserve in the CDP.
- 11.6.5. I have reviewed the site layout plan, floor plans, elevations, and cross sections for the proposed buildings, and consider these are well laid out and orientated, and provided with sufficient separation distances to avoid causing adverse impacts on future residents from undue overlooking, overshadowing, and overbearance.
- 11.6.6. With regard to the houses, adverse overlooking between properties is avoided as the majority of units achieve separation distances of at least 22m (thereby complying with CDP policy in section 13.8.9) save for House Types 3 and 5 which are designed without habitable rooms in the rear elevation as a compensatory measure. The houses are modest in scale, massing and height, being 2 storey in design with

maximum principal dimension of 9.5m, accordingly no undue overshadowing or visual overbearance is anticipated.

11.6.7. With regard to the duplex units, while these are larger in form than the houses, the increase in scale is relatively marginal and I consider the duplexes in an of themselves to be modest in massing and height. As the duplex units in Blocks A-D are laid out to align with each other, addressing the public park to the north and the linear park to the south, there are no undue overlooking, overshadowing or overbearance impacts anticipated on future residents that would be in excess of those reasonably expected in similar residential schemes. Similarly, the duplex units within the south of the scheme are end of terrace designs (Duplex D7 and D8) with private terrace areas at 2nd floor level to the front of the units with an outlook towards the public realm (streets/ POS 3) as opposed to rear garden areas of adjacent properties thereby protecting the residential amenity of same.

#### Residential Unit Mix

11.6.8. The residential unit mix of the proposed 272 dwelling units comprises 206 houses (76%) and 66 duplex units (24%). Of the 66 duplex units, the units in Blocks A-D comprise 24 single storey apartments at ground floor (9%) with 24 duplex apartments overhead at first and second floor levels (9%), while the 18 end of terrace duplex units are reversed in format with 9 duplex units at ground floor level (3%) and 9 single storey apartments at 2<sup>nd</sup> floor level (3%). The unit mix caters for 2, 3, and 4 bedroom houses, and 1, 2, and 3 bedroom duplex apartments. The proportion of units are dominated by 3 bedroom units (63% of the scheme), then by 2 bedroom units (27%), followed by 1 bedroom (6%) and 4 bedroom units (4%).

11.6.9. As is apparent from the above, the residential unit mix in the proposed development does not include any single storey dwellings. As identified by the applicant and the planning authority, CDP Objective HOU 27 applies to the proposal which requires the provision of single storey properties at the rate of one per 100 units, thus there is a requirement for two such properties in the scheme. I highlight to the Board that Objective HOU 27 is not absolute in this requirement if it can be demonstrated that there is no demand for single storey houses. This is required to be demonstrated in evidence-based research undertaken by an appropriately qualified professional.

11.6.10. In the applicant's Statement of Material Contravention, the justification for not providing single storey houses is the absence of demand (refers to the findings of the Socio-Economic and Housing Supply Assessment prepared by KPMG Future Analytics), inefficiencies of resources (such formats require larger building footprints) and prevents the minimum density required for the site from being achieved (as proposed density is already at c.35dph). In the CE Report, the planning authority finds there to be a good mix of residential units in the scheme but recommends that two single storey dwellings are provided to cater for the housing needs of less-able-bodied and elderly persons, which forms the basis of recommended Condition 8 amending the scheme.

11.6.11. I have reviewed the applicant's Socio-Economic and Housing Supply Assessment which finds that at present multi-person households make up the majority of households in Ardee, future population projections indicate this trend will continue and that an adequate supply of family sized housing will continue to be required, the greatest housing demand in the locality is for semi-detached type housing with 3 bedrooms, and that there has been a lack of planning consents of significant scale which would make a notable contribution towards housing delivery in the town.

11.6.12. While I acknowledge the position of the planning authority, on balance, I accept the findings of the report which are evidence-based and I concur with the applicant. I find that the provision of such properties would require larger building footprints than those of the proposed 2 storey houses, which is a less efficient use of the finite resource of zoned and serviced land, and would result in a reduction in density in a scheme that is already at the lowest end of the density range recommended in the Sustainable Residential Development Guidelines and required as per SPPR 4 of the Building Height Guidelines. I also note that the residential unit mix in the scheme does include 33 duplex apartments which are single storey in format (four designs of single storey 1 and 2 bedroom units, Duplex Type D1, D3, D5, and D8) within which the potential to meet the housing need and choice of less-able-bodied and elderly persons may be met. I do not recommend the attachment of a condition amending the proposed development and requiring the provision of two single storey properties.

11.6.13. Of the potential for the proposed residential unit mix to be a material contravention of the CDP, I do not find this to be the case. As outlined above, Objective HOU 27 is not absolute in its requirement for single storey dwelling units if it can be demonstrated that there is no demand for same. I concur with the findings of the applicant's Socio-Economic and Housing Supply Assessment, which is evidence based and undertaken by an appropriately qualified professional. Accordingly, I find the proposed residential dwelling mix to come within the scope of the objective, and I do not find the proposed development to be a material contravention of CDP Objective HOU 27.

11.6.14. Further, as I referred to in sections 11.4 (in respect of density) and 11.5 (building height) above, SPPR 4 of the Building Heights Guidelines also provides direction on residential unit mix and typology (in sub items (2) and (3)) whereby a greater mix of building typologies, and avoidance of mono-type buildings typologies such as two storey or own-door houses only is required. While I note that the proposed development does not include any apartment only blocks (with shared accesses), on balance, I consider the proposed residential unit mix to be appropriate at this location and to offer an acceptable variety of unit sizes and typologies reflecting changing demographics and facilitating a range of household formations.

11.6.15. In respect of the Part V obligation, the applicant is proposing 28 units comprising 8 houses (7 2 bedroom and 1 3 bedroom houses), and 20 duplex apartments (10 1 bedroom, 2 2 bedroom, and 8 3 bedroom duplexes). I positively note the mix of unit types and sizes and that the indicative provision of units is throughout the scheme, save for the most southerly street, singularly and in pairs. The planning authority has indicated this proposal to be acceptable in principle, and I consider it an appropriate basis for an agreement.

#### Residential Unit Standards

11.6.16. As outlined above, the proposal includes a mix of houses and duplex units. The policy context setting the standards for the residential units is the local CDP and the national Apartment Guidelines. The application is accompanied by HQAs which outline the key statistics for the proposed development for the houses and duplex units. Of the local CDP policy context, I have reviewed the HQAs and individual plans submitted for each residential unit design, and confirm that the houses and

duplex units within the scheme satisfy the applicable objectives in the CDP by meeting the range of qualitative and quantitative standards (key among which include the minimum floor areas in section 13.8.1 for houses (in the referenced national guidance 'Quality Housing for Sustainable Communities') and in section 13.8.28 for duplex apartments). The compliance is also attested to in the applicant's Statement of Consistency and identified by the planning authority in the CE Report.

11.6.17. Of the national policy context, I have given regard to the applicable SPPRs of the Apartment Guidelines with which the proposed duplex units are required to comply, which include minimum floor areas and standards (SPPR 3 and Appendix 1) and dual aspect ratios (SPPR 4), as several SPPRs relate to apartment only/ shared access type blocks. Further advice in the guidelines includes regard being had to daylight/ sunlight provision, the provision of privacy strips for ground floor apartments, and of a building lifecycle report for the running and maintenance costs of the duplex units/ communal areas which are not under private control/ taken in charge by the local authority.

11.6.18. In respect of the duplex apartments, I confirm to the Board that the duplexes comply with their applicable minimum standards in respect of floorspace, aggregate living and bedroom areas, room sizes, storage areas, and private open space as per SPPR 3 and Appendix 1 of the Apartment Guidelines. SPPR 4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this with 100% of duplex units being dual aspect.

11.6.19. For the duplexes in Blocks A-D, private open space for the units is provided by way of terraces to the front and rear of the ground floor apartments and enclosed terraces at first floor level to the front of the overhead duplex apartments. The terrace areas comply with and exceed the applicable standards in Appendix 1 of the Apartment Guidelines. Further, these duplex units are provided with two distinct areas of communal open space located to the rear of the blocks, totalling 499sqm which satisfy the applicable standards. The areas are easily accessible from the duplexes, feature a mix of hard and soft landscaping, are demarcated by gravel and concrete block paving, and constitute an appropriate transitional zone between the



private terraces of the ground floor units and the adjoining public park. From a review of the site layout plan and landscaping details, the proposed ground floor apartments adjacent to publicly accessible areas (communal car parking and paths) are provided with privacy strips in line with the advice at section 3.41 of the Apartment Guidelines of landscaping as boundary treatments.

11.6.20. In respect of daylight and sunlight, while the applicant has not submitted a specific assessment of the scheme, I am satisfied that the proposed units will be provided with adequate levels of daylight and sunlight within the buildings and have sufficient access to sunlight in the private open spaces to ensure the residential amenity of the properties. This reasoning is based on a number of factors including the undeveloped nature of the receiving area (lands to the east and south are open countryside, Mulladrillen Hill separates the site from the De La Salle Crescent estate), the low-rise low density surrounding built environment (Cherrybrook and Rathgory estates adjacent to the west are characterised by detached single and 2 storey dwellings with deep rear gardens and set back from the shared boundary), the open nature of the proposed scheme (notable quantum of open space provision), all residential units being dual aspect, the relatively modest scale, massing and height of the proposed buildings, and the layout, orientation and separation distances between the proposed buildings and from the site boundaries.

11.6.21. In respect of boundary treatments for the proposed residential units, these are indicated in the applicant's Landscape Design Rationale as comprising 1m hedges at the front boundary, 1.8m concrete post and timber fences at rear gardens, and 1.8m high brickwork walls and/ or 1.8m rendered blockwall at the interfaces between residences and public areas. CDP policy in section 13.8.11 requires that rear boundaries be 2m high blockwalls, side boundaries be 2m high and if timber fencing being used to be with concrete posts, walls bounding public areas are to be rendered and capped, and front boundaries can be open plan, planted, low-level wall or railing. Accordingly, the applicant's Statement of Material Contravention identifies the potential material contravention of this CDP policy due to the heights and types of boundaries proposed.

11.6.22. I have considered the appropriateness of the proposed boundary treatments in terms of the amenity of the scheme (front boundaries, boundaries at public

interfaces, maintenance) and the amenity of the residences (level of privacy afforded, upkeep and maintenance). I acknowledge that the proposed rear garden walls are lower in height and not of block wall construction, and that boundaries at public interfaces are in places a brick finish as opposed to render. However, I consider that the proposed boundary treatments are satisfactory and would ensure a high level of amenity for residents in both the wider scheme and in their private properties.

11.6.23. I find the standard constitutes an optimum requirement to be achieved, and I submit that the proposed boundaries will achieve acceptable levels of amenity that would be consistent with the proper planning and sustainable development of the area. I find the proposed boundary treatments, as discussed, to be acceptable and those indicated for the remainder of the scheme in the Landscape Design Rationale and associated landscape plans to be of sufficient quality (nature and type), appropriate (location/ boundary interface), and therefore acceptable.

11.6.24. Finally, of the potential for the proposed boundary treatments to be material contraventions of the CDP, I do not find this to be the case. Instead, for the reasons outlined above, I consider the deviations from the standards required to be contraventions but not ones of materiality. Accordingly, I find the boundary treatment proposed to come within the scope of those allowable, and I do not find the proposed development to be a material contravention of policy standards in section 13.8.11.

### Conclusion

11.6.25. In conclusion, I consider that the future occupants of the scheme will be provided with acceptable standards of residential amenity in the overall scheme and in their private properties. The proposed development includes a range of residential typologies which will respond to the demographic needs of various households and contribute to the creation of a diverse community. Due to the layout, arrangement, and siting of the buildings through the proposal, I do not anticipate any adverse impacts on the amenity of the future residential units or on public open spaces within the scheme. I consider the proposal accords with a range of applicable national policy and local CDP referred to above, as also identified in the applicant's Statement of Consistency and listed in the planning authority's CE Report and is therefore acceptable.

## 11.7. Residential Amenity of Adjacent Properties

- 11.7.1. This section considers the impact of the proposed development on the residential amenity of adjacent properties. The application site itself is greenfield in nature, comprising agricultural fields with mature field boundaries. Adjacent to the site's western boundary is Cherrybrook residential estate characterised by low rise, low density detached housing, while proximate to the southwestern corner are conventional two storey houses in Rathgory residential estate. Further to the north and northeast are De La Salle Crescent and Moorehall residential estates respectively.
- 11.7.2. The proposed development's adverse impact on the residential amenity of adjacent estates is a key concern for the observers. Issues raised in depth include the use of the estates by residents of the proposed development, the impacts associated with connecting to and through the existing estates, and construction phase disruption.
- 11.7.3. In addition, I identify overlooking, overshadowing and overbearance as issues which can affect residential amenity of adjacent properties. I highlight to the Board that due to the topography and substantial separation distances involved (Moorehall and De La Salle Crescent are c.135m-190m north of the proposed duplexes Blocks A-D), consideration of these three issues is only applicable to the western properties in Cherrybrook and Rathgory. I propose to address each issue in turn.

### Overlooking

- 11.7.4. I have reviewed the site layout plan, elevations, cross section drawings, landscaping and boundary details. In section 11.5 above, I assessed in detail the design approach taken for the proposal. The fundamental decision of siting two storey housing only along the western perimeter of the site has ensured that overlooking and loss of privacy for existing adjacent properties are not excessive or unduly injurious.
- 11.7.5. The proposed houses along the site's western boundary are provided with rear gardens of between c.11m-15m in depth and achieve separation distances to the rears of the adjacent bungalows in Cherrybrook in the range of c.24m-40m. Similarly, the proposed houses towards the southwestern corner of the site have rear

gardens of c.11.5m-16.5m in depth and achieve separation distances to the rears of the Rathgory houses in the range of c.83m-85m.

- 11.7.6. Such separation distances between the rears of residences are considered to be well within required standards in urban areas, are compliant with CDP policy in CDP policy in section 13.8.9 which specifies a minimum distance of 22m, and of an extent to ensure a sufficient level of protection to properties' rear windows and rear gardens. Further, I note the existing level of screening along the boundaries and the proposed boundary treatment, landscaping and screening proposals will further minimise loss of privacy and protect against adverse overlooking impacts.

#### Overshadowing

- 11.7.7. With regard to overshadowing impacts while the applicant has not submitted a daylight and sunlight assessment of the scheme, I have had regard to key principles in best practice guidelines such as the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, BRE Guide 209: 2022. These require establishing the range of influence of a proposed development and assessing properties that are located within (i.e. testing windows and amenity areas for available daylight and sunlight). The range of influence is determined by the height of the applicable part of the proposed development. Properties are excluded from assessment if the distance between a subject window in an elevation wall and the applicable part of the proposal is greater than three times the height of that part of the proposal.
- 11.7.8. Based on this principle and the fact that the majority of the proposed houses are c.9.05m in height, all the proposed houses along the western boundary which are separated from properties in Cherrybrook and Rathgory by a distance of greater than c.27.15m do not come within the range of influence and I am satisfied would have no overshadowing impact on the adjacent properties. From a review of the site layout plan, I find this to be the case for all western properties save two, 40 and 111 Cherrybrook which are c.24m and c.22m distance respectively (and of the latter I note the distance is to the gable of the property not the rear opposing wall). For properties that are included within the range of influence, analysis is undertaken based on the proximity of the proposal and whether or not the proposal subtends (is within) a 25 degree angle as measured horizontally from the centre point of the

lowest window in an included property. Based on the available information (site layout plan, elevations and section drawings) and using industry standard assumptions (e.g. centre of window measurement at 2m high), testing for a worst-case scenario, I determine that for a (hypothetical) window in each property the angle to the horizontal subtended by the respective proposed house is less than 25 degrees (I calculate an angle of 16.4 degrees for 40 Cherrybrook and 17.7 degrees for 111 Cherrybrook), which indicates the impact on the daylight availability of these existing properties by the proposed development is likely to be imperceptible.

11.7.9. The BRE Guide 209: 2022 also recommends that for an amenity area, including private rear gardens, to appear adequately sunlit throughout the year, at least half of the area should receive two or more hours of direct sunlight on March 21<sup>st</sup>. Having regard to the orientation of the existing dwellings and proposed houses, extent of rear garden areas, distances of the proposed buildings from site boundaries and adjacent properties, and the modest building height and massing of the proposed houses, I anticipate that transient shadows associated with the proposal to be minimal and fleeting during the morning to midday period, and that the adjacent properties will maintain more than 2 hours of sunlight. Overall, I am satisfied that the proposal will not cause undue injury to the residential amenity of adjacent properties through loss of existing levels of daylight and sunlight, or through overshadowing.

#### Overbearance

11.7.10. In considering potential overbearance caused by the proposed development, and an associated loss of visual amenity, in similarity with overlooking and overshadowing, this is an issue for adjacent properties on the western boundary. Further, as established above, this is of relevance only for the most proximate Cherrybrook properties given the substantial separation distances to the Rathgory dwellings (in excess of c.80m).

11.7.11. For adjacent properties on the western boundary, I acknowledge that the proposed development will unavoidably result in a change in outlook from that which currently exists due to the greenfield, undeveloped nature of the site. However, I do not consider the extent of change to be excessive (western hedgerow boundary to be retained as much as possible, new screening planted along boundary, modestly

scaled building forms) or adverse (proposed scheme is well designed with high quality features, finishes, and boundary treatments).

11.7.12. As outlined in section 11.5 above, I have considered the visual impact of the proposal and have concluded that the proposed development is an appropriate design solution for the site and will create an identifiable and legible urban environment. The decision of siting two storey housing along the western perimeter of the site and arranging the duplex blocks at a more removed location to the centre/north of the scheme has ensured that overbearance and loss of visual amenity for existing adjacent properties are not excessive or unduly injurious. As I outline below in section 13.0 with regard to Chapter 9 of the EIAR, I determine the proposal will have a significant and neutral/ positive effect on the landscape of the local surrounding area.

#### Disturbance and Disruption

11.7.13. Other issues of relevance in assessing the proposal's impact on existing residential amenity, as raised by observers, include disturbance and disruption arising from the site clearance and construction impacts associated with the proposal, and also from the operation phase (i.e. occupation of the scheme).

11.7.14. The application includes a Construction Management Plan (CMP), a Construction Environmental Management Plan (CEMP), and a Construction and Demolition Waste Management Plan (CDWMP). While there is a degree of overlap between the reports, key for managing construction phase impacts on residential amenity are the CMP and CDWMP which include traffic, noise, and dust management details. Several of the concerns raised by observers are typical of impacts that arise during site developments adjacent to residential properties, such as noise, pollution, waste, hours of operation, traffic inconvenience, and the length of time for the development to be built. I consider that the provisions outlined in the CMP, in particular, and CDWMP are broad ranging and include good site management practices, specified hours of working and deliveries, local traffic control measures, parking, noise, vibration, dust monitoring will address and ameliorate the impacts.

11.7.15. A detailed phasing plan is submitted with the application indicating six phases of construction. Each phase delivers between 40 and 49 dwellings units along with

associated services and open space. I positively note the proposed scale of each phase which will result in proportionate and manageable construction impacts. The sequencing of the phases commences with Phase 1 along the central linear park, Phase 2 in the south-central area, Phase 3 of the public park to the north, and Phases 4, 5, and 6 follow in a clockwise direction around the eastern, southern and western perimeters. I consider the sequencing in the phasing plan to be acceptable allowing for a balanced delivery of new residences and services.

11.7.16. While observers are critical of the length of construction time and associated disturbance, as discussed in section 11.3 above with regard to the duration of the permission, I consider there to be specific features that warrant the 7-year duration of permission applied for. As considered in section 13.0 below in respect of Chapter 3 and Chapter 11 of the EIAR, with the implementation of mitigation measures, I consider the impacts arising from the construction of the proposed development on residential amenity to be short-term, imperceptible, and neutral in effect.

11.7.17. Of the operational phase disturbance associated with future residents' use of the existing estates paths and roads, as outlined in section 11.5 above with regard to permeability, I consider these connections (proposed pedestrian/ cyclist access to Hale Street, and potential vehicular connections to Cherrybrook and Rathgory) to be positive design features in the scheme allowing for a greater range and choice of traffic movements and modes of transport for same. Of the concerns raised in respect of potential flooding impacts, I note the SSFRA indicates that through the provision of the riparian corridor and the maintenance of the area of the site within Flood Zone A/ B as open space, there is a small decrease in the peak flood flows downstream of the site and there are no negative impacts elsewhere.

11.7.18. Of the other operational phase impacts that can affect existing residential amenity from within the scheme including noise sources (traffic and use of amenity spaces) and from light sources (new public lighting), I consider these to all be within acceptable parameters for a developing urban setting. I highlight that the proposal is a residential use in itself, traffic generation is predicted to be within the capacity of the main entrance and N2 Drogheda Road intersection with minimal queuing, and public lighting will be devised and installed in accordance with a scheme agreed with the planning authority. On balance, I do not consider the operational impacts arising

from the proposal to be of a nature or scale to cause undue injury to the residential amenity of the adjacent properties.

### Conclusion

11.7.19. In conclusion, I have assessed the key issues which can affect the residential amenity of existing adjacent properties including overlooking, overshadowing, overbearance, disturbance and disruption. I consider that the applicant has had due regard to and respect for the residential amenity of adjacent properties and has incorporated a number of measures (designed into the scheme, and mitigation measures) to protect and prevent undue impacts. The contents of the CMP and CDWMP with regard to traffic, noise, and dust management and prevention measures, are noted. As such, I am satisfied that the residential amenity of adjacent properties will not be adversely affected by the proposal development. I recommend site development works and measures to protect the residential amenity can be addressed appropriately by condition in the event of a grant of permission.

### 11.8. **Biodiversity and Green Infrastructure**

11.8.1. The application includes several documents of relevance to the issue of biodiversity and green infrastructure, which I have reviewed and had regard to. In particular, these include Chapter 4 of the EIAR (inclusive of a bat survey and bird evaluation assessment), Chapter 5 of the EIAR, Arboricultural Report, Tree Removal and Protection Plan, Landscape Design Rationale, Construction Environmental Management Plan (CEMP), Appropriate Assessment Screening Report, and Natura Impact Statement.

11.8.2. Biodiversity is an important consideration for the proposed development due to the greenfield nature of the site, the presence of the Rathgory Tributary flowing in a westerly direction through the centre of the site which drains to the River Dee and ultimately Dundalk Bay, the mature hedgerow and treelines along the watercourse and perimeters of the site, and the recorded presence of two bat species. I propose to address each component in turn in the following subsections. I direct the Board to sections 12.0 and 13.0 of this report which consider biodiversity issues in greater depth in respect of AA and EIA respectively.

### Biodiversity Value of the Site



- 11.8.3. In the applicant's documentation, the site is described as a series of neglected arable fields with recent disturbance associated with the development works to the west. There are no records (NPWS, NBDC) of rare and threatened species at or within 10km of the site. A direct hydrological pathway is identified from the Rathgory Tributary to Dundalk Bay SAC and Dundalk Bay SPA via the River Dee. Survey work comprising of walkover surveys (including for bats) was undertaken on 23<sup>rd</sup> July 2020 and on 7<sup>th</sup> June 2021, and birds were surveyed during seven dates between November 2020 to May 2021.
- 11.8.4. Seven habitats are identified across the site, with the largest habitat areas including the northern and southern fields, and the most notable is the dividing watercourse. The northern area comprises BC1-Cultivated Land and ED3- Recolonising Bare Ground habitats, with no species of conservation importance noted. The southern area comprises ED3- Recolonising Bare Ground, with no species of conservation importance noted. Habitats associated with the local stream include FW2- Depositing/ lowland rivers and WL1- Hedgerows. The stream is described as heavily tunnelled by hedgerow on both sides, heavily silted, and with no instream fauna or flora noted. In proximity to the western side of the stream is an area of ED2 -Spoil and Bare ground, in which no flora species were noted. No species of conservation importance were noted in/ at the watercourse. Other habitats identified are WL2- Treelines which are located in the site's eastern and western boundaries including several mature and large ash and willow, and FW4- Drainage Ditches identified along the full eastern boundary of the site. The watercourse, hedgerows and treelines are identified as the most important habitats within the site due to the linear nature of the elements serving as biodiversity corridors. These are classified as being of local importance. No other habitats of conservation significance are identified within the site.
- 11.8.5. In respect of species, no flora species of conservation importance, or rare or threatened plant species were recorded at or in the vicinity of the site. No invasive plant species were noted at the site. Of fauna species, except for the presence of two bats species, no species of conservation importance were noted on site such as common frog, common lizard, badger, otter, deer, or hedgehog. With regard to bats, foraging activity of two bat species is recorded, a soprano pipistrelle along the

southern side of the hedgerow bisecting the site, and a Leisler's bat along the eastern end of the watercourse. No foraging by bats was noted in other areas of the site. Several of the large trees towards the watercourse were clad in dense ivy growth which would form areas of bat roosting potential, however no bats were observed emerging from the trees on site. No evidence of a bat roost was found in any of the trees within the site. No protected bird species were recorded on site. Birds were present in an abundance and distribution that would be expected for a rural / semi-urban site that has been modified by construction. While many of the species noted are very common, there were a small number of red-listed and amber-listed species.

11.8.6. The site is identified as including significant elements of made ground (the southern field has a history of quarrying) and being located on the Ardee-Newtown Bedform Field, an area of geological interest identified for protection in the CDP. The applicant's documentation indicates the site is at a peri-urban area of the Field's northern extremity and that no geological features are recorded at the site within 3m of the existing ground level.

11.8.7. In respect of the latter, the applicant identifies the proposed development as a potential material contravention of CDP Objective NBG 17 (areas of geological interest, I have cited the objective in section 7.2 above). I consider that the proposed development comes within the scope of the objective by not being an inappropriate form of development (i.e. being an appropriate residential scheme with a public park on lands zoned for and with a spot objective for such uses), and one that maintains the character of the integrity of the Ardee-Newtown Bedform Field through the incorporation of Mulladrillen Hill into the public park. Accordingly, I do not find the proposed development to be a material contravention of Objective NBG 17.

#### Rathgory Tributary Realignment

11.8.8. As identified above, the Rathgory Tributary with its associated hedgerow boundary is identified as the most notable biodiversity feature at the site. The proposed development comprises the realignment of the stream (repositioning and straightening the existing channel route by between c.1m-15m) and the development of a new riparian corridor on both sides of the stream (10m in width each side, along the southern corridor is a 5m wide level path/ track required for access and

maintenance by the OPW). A landscaped linear park is proposed along the length of the realigned stream from west to east, while over the stream three culverted crossings (two vehicular and one pedestrian/ cyclist) are proposed to connect the northern and southern portions of the development.

11.8.9. The applicant's CEMP outlines the intended process for undertaking the stream's realignment, installing culverts to facilitate crossing points, and development and landscaping of the riparian corridor (I also direct the Board to Dwg ARDEE-CSC-00-XX-DR-C-1018 Proposed Stream Realignment and Dwg ARDEE-CSC-00-XX-DR-C-1025 Stream Culverts for detailed information). The primary focus of the plan is to prevent potential silt and other contaminants from entering the watercourse. Subsequent to agreement with the IFI on all aspects (construction methodology, design, landscaping) and the appointment of a project ecologist for the duration, the process involves several steps some of which necessarily overlap/ occur concurrently. I identify the following key steps:

- preparation of a temporary stream diversion with a 900mm diameter pipe,
- diverting the watercourse through the pipe to allow access to the existing stream bed,
- excavation of the diversion route (realigned route) undertaken in the dry isolated from the existing watercourse,
- construction of the culverts in the dry with backfilling of excavated material following culvert installation,
- inspection of completed dry works by project ecologist and IFI before realigned stream flow is reinstated,
- establishment and demarcation of the riparian buffer zone,
- installation of silt fences in the riparian corridor with the bases correctly installed at an appropriate depth,
- temporary drainage trenches with slit fences installed along the edges of the riparian corridor to collect surface water runoff during works,
- silt interception methods implemented downstream prior to instream works,

- gradual switchover to the diversion route with the stream flowing through the western culvert under supervision by the project ecologist,
- once the full stream flow is in the diversion route and stable, the existing stream bed to be gradually blocked off and final rock armour construction undertaken,
- on reinstatement of stream flow the downstream mitigation measures to be removed,
- all planting and landscaping of the riparian buffer zone to be undertaken immediately, and
- on completion of these works the riparian buffer zone will be cordoned off from machinery access for the remaining site clearance works.

11.8.10. The submissions received from the prescribed bodies are of relevance to biodiversity considerations at the site. The applicant indicates that consultation was undertaken with the Inland Fisheries Ireland (IFI) in respect of the proposed Rathgory Tributary realignment and new riparian corridor. The IFI recommends a series of conditions requiring final agreement with the IFI of several matters including, the detailed design of the channel (to accord with IFI guidance, to display hydraulic and morphological characteristics in line with the requirements of salmonid habitats), any river or stream manipulation works (bridging, culverting or otherwise), and all instream structures (to accord with IFI guidance, riparian vegetation zone (10m minimum) free from development each side of the river, and all planting should consist of native species).

11.8.11. The Development Applications Unit (DAU) raises concerns in respect of the proposed realignment of the Rathgory Tributary and removal of the double hedgerow along the watercourse. These concerns focus on the biodiversity impact and also the cultural heritage impact (loss of a historic townland boundary between Rathgory and Mulladrillen). The DAU submission finds that while the value of the watercourse as a biodiversity corridor is recognised, the impact of the loss and the rationale for the proposed works are underestimated and not fully justified. By condition, the DAU recommends the omission or redesign of Bridgegate Avenue and any other part of

the development that requires the removal of the double hedgerows along the Rathgory Tributary and the diversion of the watercourse.

11.8.12. In the CE report, the planning authority states that it does not consider the attachment of the DAU's recommended condition to be appropriate. Instead, the planning authority considers that due regard has been had by the applicant to the nature of the hedgerow removal and that the design of the realignment of the watercourse has had regard to the applicable guidance of the IFI.

11.8.13. I note the position of the DAU, the preference for the stream and hedgerow boundary to be retained, and recommendation for amendments to be made to the scheme. However, on balance, I concur with the applicant, planning authority and IFI. I have reviewed the application documentation and find there to be sufficiently detailed and accurate information provided to allow an assessment to be undertaken on the ecological features of the site and the impact of the proposal on same. Following my site inspection, I do not consider the biodiversity value of the site has been underestimated but find the information provided to be by and large accurately reflected. I am satisfied that the applicant has provided a sufficiently robust justification for the proposed development, with which, as outlined in section 11.5 above, I agree and accept. Further, as outlined in section 13.0 below in respect of Chapter 4 of the EIAR, I find the proposed development to have a significant neutral/positive permanent effect on the biodiversity of the site and receiving area.

11.8.14. As such, having considered the nature of the tributary (minor watercourse with local value), the works proposed (realignment by between c1m-15m, and development of a new riparian corridor of 10m width each side), the measures proposed to mitigate and ameliorate the associated potential impacts (detailed construction and environmental management regime), supportive submissions from the IFI and the planning authority, I find the proposed development to be acceptable and to comply with applicable CDP Objectives and policy in Chapter 8: Natural Heritage, Biodiversity and Green Infrastructure (as cited in sections 6.0 and 7.0 above, and otherwise as identified in the applicant's Statement of Consistency).

11.8.15. Finally on this item, the applicant identifies the proposed development as a potential material contravention of Objective NBG 44 and Objective NBG 57 (both of which I have cited in section 7.2 above). From accepting the realignment of the

stream and removal of the hedgerow boundary as being necessary and appropriate, it follows that the existing watercourse and riparian corridor cannot be maintained. I find the proposed development to come within the scope of the objectives by facilitating the creation of a new and enhanced riparian corridor, which will be 10m wide on both banks, free from development, and appropriately landscaped. Accordingly, I do not find the proposed development to be a material contravention of Objective NBG 44 or Objective NBG 57.

#### Tree and Hedgerow Removal

11.8.16. In respect of tree and hedgerow removal, overall, implementing the proposed development involves the removal of seven hedgerows and felling of seven trees (of the 14 entries, 12 are Category C (low quality and value), and two are Category U (poor quality)). The most notable hedgerow entries are the four centrally located hedgerows along the watercourse, with the remaining three hedgerows located in the northern part of the site's western perimeter. While all felled trees except one are within the eastern boundary, notable stretches of hedgerows are being retained along the eastern perimeter and two tree protection zones are also proposed to safeguard the retained trees during construction. As outlined in the Arboricultural Report, additional felling, crown reduction, pruning, and maintenance are proposed as good practice to a small number of trees and hedgerows. The report finds the losses will be insignificant in impact due to their low quality and limited public amenity value, a position with which I concur having undertaken my site inspection, reviewed the information submitted, and noted the tree protection measures and landscaping programme proposed in the Landscape Design Rationale.

11.8.17. The applicant identifies the proposed development as a potential material contravention of CDP policy in section 8.11 (I have cited the policy in section 7.2 above). I consider that the proposed development comes within the scope of circumstances which would justify the removal of trees and hedgerows as part of the development process. Further, I highlight that the site is zoned as 'Phase 1' which indicates the immediacy by which the lands are required to provide for new residences. Accordingly, I do not find the proposed development to be a material contravention of policy in CDP section 8.11.

#### Green Infrastructure

11.8.18. As outlined in section 11.5 above, the proposal includes a total of c.5.39ha of open space (c.41% of the gross site area). The open space areas differ in design, function, and landscaping. In terms of the biodiversity value of the open spaces, I have had regard to the Landscape Design Rationale, associated landscape plans, and the planting schedule (the applicant outlines that c.453 trees are proposed in the landscaping scheme, a net increase of 446 trees on the site). I positively note the extent of retention of existing trees and hedgerows, the proposed supplementation with new tree and hedge planting, and a range of shrub and buffer planting throughout the scheme. I consider the linear park to be of particular note, performing both active and passive open space functions, with the riparian corridors including meadow which will likely be of notable biodiversity value. The landscaping selection in the proposed planting schedule is indicated as being of native species, pollinator-friendly, and maximising feeding opportunities for bats, birds, and insects. Overall, I consider the open spaces will make a positive contribution to the green infrastructure of the local area.

#### Conclusion

11.8.19. In conclusion, I consider that the proposal constitutes an appropriate form of development at and for the application site. I do not find the proposed realignment of the watercourse or the associated hedgerow removal and tree felling to cause a significant negative effect on the site or receiving area. In this regard, I consider the proposed development complies with the applicable CDP objectives and policies in Chapter 8 (e.g. Objectives NBG 17, 44, and 57, and those listed in the applicant's Statement of Consistency, in particular Objective NBG 24 (retention of landscape character features) and Objective NBG 31 (tree and hedgerow replacement landscaping)), and in due course will enhance the biodiversity and amenity value of the site and receiving area.

### **11.9. Cultural Heritage and Archaeology**

11.9.1. The application site is greenfield in nature, and does not contain any protected structures, architectural conservation areas, or archaeological monuments as identified and/ or designated in the CDP. However, there are archaeological recorded monuments (RMPs) in the vicinity of the site, and Chapter 13 of the EIAR

outlines the cultural and archaeological heritage context and the impact of the proposed development on same.

#### Archaeological Heritage

- 11.9.2. Ardee town has a particularly rich archaeological heritage, with several recorded monuments north of the application site. The site comprises two fields which are located in separate townlands. The site includes the historic townland boundary, marked by the line of the Rathgory Tributary, between Mulladrillen to the north and Rathgory to the south. Cartographic records indicate a quarry existed on part of the southern field.
- 11.9.3. There are two recorded monuments in proximity to the site, a souterrain LH017-011 located c.115m to the west of the site in the townland of Mulladrillen and an earthwork LH017-094 located 235m to the west of the site in Rathgory townland. The souterrain, which was subject of survey and excavation associated with the implementation of Phases 1-3, is described in the applicant's EIAR as inaccessible, and as being located within a protective buffer from the Bridgegate development. The earthwork is described as destroyed and under the residential estate at Cherrybrook.
- 11.9.4. A submission on the application has been received from the Development Applications Unit (DAU), the relevant prescribed body for archaeological heritage. Due to the proximity to the RMP LH017-011-Class: Souterrain and the size of the site, a condition is recommended to be attached requiring an archaeological assessment, inclusive of research, site inspection, geophysical survey, and test excavations be undertaken prior to commencement of development. Similarly, due to the proximity to RMP LH017-011, the inclusion of an area along the Rathgory Stream marked as a millrace, and the potential for the proposed bridge-crossings to impact underwater archaeology, a condition is recommended to be attached requiring an Underwater Archaeological Impact Assessment inclusive of desktop study, dive/ wade survey with handheld metal detector survey. I note the planning authority incorporated the conditions into those recommended in the CE Report, and due to the potential for impacts on archaeological heritage, I also recommend the inclusion of same.

#### Townland Boundary



- 11.9.5. Chapter 13 of the EIAR refers to the historic townland boundary between Mulladrillen and Rathgory, which traverses the site, and highlights its loss due to the proposed development. As a mitigation measure, the EIAR recommends that the townland boundary be recorded by photographic and written record prior to any development works being undertaken.
- 11.9.6. I note the concerns raised by the DAU in its submission regarding the impact on the cultural heritage of the site due to the boundary loss, and the recommendation that the proposed development be amended accordingly. However, having regard to the proposed mitigation measure (preservation by record), to the retention of an open watercourse at the site (as opposed to it being fully culverted), and to the route of the realigned stream being largely similar to that of the existing stream (repositioning and straightening of the route is proposed by between c.1m-15m), I am satisfied that the loss of the existing townland boundary will not cause an undue adverse impact on the cultural heritage of the site.
- 11.9.7. The application documentation refers to the proposed development in name as Bridgegate and Phase 4. As a further mitigation measure, I consider it appropriate that the future estate and/ or street names reflect the historic townland names. Due to the layout of the scheme, there is a clearly identifiable northern portion (with the childcare facility, community building and duplex blocks) in Mulladrillen townland, and southern portion with the majority of the residences in Rathgory. I recommend a condition requiring the incorporation and use of the townland names in the naming of the scheme.

### Conclusion

- 11.9.8. In conclusion, I find that the proposed development does not adversely impact on the cultural heritage of the site or receiving area as there are no known archaeological recorded monuments, architectural protected structures, or architectural conservation areas within the site that will be directly impacted. Impacts on potential archaeological heritage can be addressed by condition, and the degree of impact on the historic townland boundary is ameliorated by designed in measures (replacement landscaping and planting) and appropriate mitigation measures (preservation by record and reflected in naming choice of estate and/ or streets).

## **11.10. Transport and Traffic**

11.10.1. In considering the issues of transport and traffic, the application is accompanied by a Road Infrastructure Design Report (including a Quality Audit Report), DMURS Statement of Consistency, Traffic and Transport Assessment (TTA), preliminary Construction Management Plan (CMP), and Chapter 10 of the EIAR assesses the traffic impacts of the proposal on the receiving area.

11.10.2. The observations oppose the proposed development on transport and traffic grounds, with issues raised in respect of inappropriate access through existing residential estates, existing congestion in the road network, worsened due to proposed development, lack of pedestrian and cycling infrastructure, creation of traffic hazard, and adverse impacts construction traffic. I further identify the east-west link road, internal layout, compliance with the requirements of national guidelines, and parking provision as being relevant considerations. I propose to address each issue in turn.

#### Access

11.10.3. The application site does not have direct road frontage and is presently accessible from Bridgegate Park (constructed in Phase 1) located to the northwest of the site, and from Hale Street (in De La Salle Crescent) located to the northeast of the site via a narrow public laneway which is used to access the town's water tower on Mulladrillen Hill.

11.10.4. The proposed development accesses the wider public road network through the main entrance arrangement serving the Bridgegate development constructed in Phase 1. Access to the Bridgegate development from the N2 Drogheda Road is via a priority T junction and a two-armed roundabout opposite the junction. The northern arm of the roundabout is Bridgegate Drive, which serves the constructed portions of Phases 1 and 2 (northern side of Bridgegate Park, and Bridgegate Vale). The southern arm of the roundabout is Bridgegate Avenue, the main access road serving the western and central portions of Phases 2 and 3 (permitted but not constructed Bridgegate Meadows, Bridgegate Lawn, Bridgegate Lane, and Bridgegate Green).

11.10.5. Bridgegate Avenue functions as the primary access road that runs centrally through the proposed development. The road is located on the northern side of and parallel to the realigned stream and extends to the site's eastern boundary. Bridgegate Avenue directly serves the childcare facility, community centre and

duplex blocks located in the northern portion of the scheme. The dwelling units in the southern portion of the scheme are served by a network of secondary roads which connect with Bridgegate Avenue via two priority T junctions.

11.10.6. In addition to the primary access via Bridgegate Avenue, the proposed development includes a pedestrian/ cyclist access from the proposed public park to Hale Street in the northeast corner of the site. Opportunities for increased permeability are designed into the scheme through the provision of potential future connections to the adjacent estates to the west and greenfield lands to the east and south. For vehicular access, these include alignment with two roads on the western boundary, one in the Cherrybrook estate and the other south of Rathgory estate. Two entrances allowing for future vehicular connections to greenfield lands are indicated on both the eastern and southern boundaries, with an additional cycle connection indicated on the eastern boundary.

11.10.7. While I acknowledge observers' concerns regarding access to and through the De La Salle Crescent (Hale Street) and Cherrybrook estates, I do not consider the opposition to be reasonable. The proposed access arrangement at the northeastern boundary with De La Salle Crescent will facilitate pedestrian and cyclist movements through to established, safe, and publicly maintained and lit footpaths and roads (Hale Street and through to William Street (R170)). I anticipate that the nature and frequency of such trips to be readily absorbed into the existing network without causing undue impacts on the estate and/ or these streets.

11.10.8. Of the proposed connection with the existing road in Cherrybrook to the west, I note that this is identified as a potential future access as the estate has not been taken in charge by the local authority. In similarity with the likely impact along Hale Street, in the event that an access point is opened with Cherrybrook, I consider the likely nature and frequency of trips to be such that can be absorbed into and supported by the existing network. The proposed connection will constitute a secondary access route (5.5m in width) through to the N2 Drogheda Road, as the primary route through Bridgegate Avenue will remain the more desirable and frequently trafficked route (6m wide road, most accessible to majority of proposed dwelling units, junction with the N2 Drogheda Road is closer to Ardee town). I positively note the range of connections to increase permeability to and through the

scheme, consider those opportunities proposed to be representative of good urban design, and their implementation to increase the amenity for future residents and existing residents within the wider area. As such, on balance I find the proposed and potential future access arrangements to be reasonable, pragmatic, efficient, and safe.

#### East-West Link Road

- 11.10.9. A key issue for consideration in this subsection, is the requirement for an east-west link road to be provided through the application site as part of the proposed development. The east-west link road (also referred to as the east-west connector road in the case documentation and CE Report) is a road project proposed south of Ardee town centre to connect the N2 Drogheda Road in the west with Black Road (Jumping Church Road) in the east.
- 11.10.10. The context for the east-west link road dates from at least 2010 when the requirement for the road was identified in the (now expired) Ardee Local Area Plan 2010, and the associated objectives map indicated the route of the road traversing through the northern portion of the application site.
- 11.10.11. The proposed development indicates a route for part of the link road through the public park in the northern portion of the site, reserved free from development, but does not include for its construction and delivery, which the planning authority submits is a prerequisite for approval of the proposal.
- 11.10.12. I have reviewed the planning policy context, the planning history, the ABP pre-application opinion, the range of application documentation, and the planning authority's position in the CE Report. I identify the following as being of relevance for the Board's determination.
- 11.10.13. The site layout plan of the 2010 parent permission (PA Ref. 10174, PL15.238053) included a road configuration for the overall development in a 'C' shaped format with a northern and a southern primary access road extending to the site's eastern boundary. In the proposed development, the northern access road corresponds with the indicative route for the east-west link road, while the southern access road corresponds with the proposed route of the extended Bridgegate Avenue.

- 11.10.14. The route reserved for part of the link road in the proposed development extends from the eastern end of Bridgegate Drive (constructed in Phase 1), through the northern-most part of the proposed public park and connecting with the site's eastern boundary south of residential properties in the corner of Moorehall estate (route is indicated on drawing PA-001 Proposed Masterplan and landscaping along the route (planting and footpath) is on 20-547-SDA-PD-DR-001 Landscape Masterplan).
- 11.10.15. The applicant's position for not including the construction and delivery of part of the link road through the site is outlined in several documents, in particular the Road Infrastructure Design Report. In short, the justification is due to there being no preferred alignment for the link road in the CDP or associated maps, instead there being two potential alignments which could serve as the link road (the northern route (Bridgegate Drive extended) or southern route (Bridgegate Avenue)), that the lands to the east of the site are not in the applicant's control, and it not being possible to deliver the entirety of the connector road (i.e. further east to Black Road) as part of the proposed development.
- 11.10.16. Conversely, the planning authority's opinion is that the east-west connector road is essential for the proper planning and sustainable development of the area and requires that the future link road be constructed up to the site's eastern boundary as part of the proposed development. The planning authority recommends Condition 14(e) be attached to a grant of permission, as follows:

*'Louth County Council sees the construction of the east-west connector road as essential for the proper planning and sustainable development of Ardee Town and a prerequisite in the consideration of this proposed development. The junction assessments within the applicant's submitted TIA documents clearly show the adverse effect the additional traffic generated by the proposed development will have on the surrounding road network, particularly the N2/ Bridge Street/ William Street/ John Street junction. The applicant shall be required to submit revised details for agreement for construction of the connector road from the eastern end of Bridgegate Drive, traversing the Public Park & Landscape Amenity Space, up to the eastern*

*boundary of the development as specified in Condition No. 44 of previously granted Plan Ref. No. 10/174.'*

11.10.17. Condition 14(e) above refers to Condition 44 of the parent permission (PA Ref. 10174) as granted by the planning authority. Under ABP PL.15.238053, permission was granted on appeal for a revised and reduced scheme subject to 25 conditions. In the interests of clarity for the Board, I have reviewed the parent permission and confirm there is no condition attached to the Board's order that is similar to Condition 44 of PA Ref. 10174 requiring the construction of the link road. Instead, Condition 2 of ABP PL.15.238053 permits 144 residential units and associated development as per Drawing 11/710/116.1 Revised Site Layout and Phasing Plan of that consent. Again, for clarity, I have reviewed the site layout plan of the parent permission and confirm this includes Phases 1-3 of the Bridgegate development but does not include the eastern-most extents of the northern or southern arms of the 'C' road layout as initially lodged. That being, there is no condition of the parent permission granted under the order of ABP PL15.238053 which requires the construction of the link road.

11.10.18. As outlined in section 6.0 above, the CDP contains two objectives which refer to the east-west link (connector) road. For ease of reference for the Board, these are as follows:

Objective SS 42:

*'To facilitate the provision of a new link road from Rathgory and Mulladrillen to Black Road', and*

Objective MOV 46:

*'To support major road ... projects set out in Table 7.8 [Table 7.8: Key Road and Bridge Projects for Ardee: Link from N2 Rathgory to Clanmore]... by reserving the corridors...of any such proposed routes, free of development, which would interfere with the provision of such proposals.'*

11.10.19. I have reviewed the CDP Composite Map for Ardee and confirm that there is no link road indicated at the application site on the map. By way of comparison, I highlight to the Board that proposed roads and link roads included in the CDP written

statement for Drogheda and Dundalk are indicated on the respective Drogheda and Dundalk Composite Maps.

11.10.20. In considering whether it is appropriate for the applicant to provide the part of the link road which traverses through the application site in the proposed development, I have had regard to a number of planning considerations. These include the wording used in the two applicable CDP objectives (i.e. *'To facilitate the provision...'* and *'To support...by reserving...routes free of development...'*); the route of the link road not being indicated in the Ardee Composite Map (or with sufficient clarity and/ or description elsewhere in the CDP) while other CDP listed link roads are indicated in the respective Drogheda and Dundalk Composite Maps; the zoning of the adjacent eastern landbank as L1 Strategic Reserve and restriction for the development of same in the Core Strategy of the CDP; and finally, the implication of Condition 14(e) as recommended by the planning authority, which would require a material amendment to the proposed development.

11.10.21. Of these considerations, I find that the applicant's indication of the route of the link road traversing the public park, the reservation of the route free from development (save landscaping), and the inclusion of the route of the road on lands indicated as being taken in charge by the local authority, in combination, to be sufficient to comply with the requirements of Objectives SS 42 and MOV 48 of the CDP, i.e. by facilitating and supporting the provision of the road. I do not consider the CDP policy context to be sufficiently robust (wording used in the objectives, omission of mapped route, lack of clarity on the nature and design of the road) as to reasonably justify the attachment of Condition 14(e) which would require the applicant to construct and deliver an extensive part of the link road.

11.10.22. I consider that the uncertainty as to the nature, design and location of the link road (the CDP objectives use different wording for the location/ townland/ road) and an unprecise condition requiring its provision through agreement with the planning authority could result in potential effects on adjacent parties (e.g. proximate properties in De La Salle Crescent and Moorehall). I consider the requirement for the applicant to construct the road to service the adjacent eastern landbank, under third party control, the development of which is not envisaged in the lifetime of the current CDP (reflected in the L1 Strategic Reserve zoning and the Core Strategy

housing allocation) to be unreasonable. Finally, I consider the requirement to construct and deliver part of the road through condition to constitute too material a change to the proposed development, the nature and design of which are unknown, and information for which has not been provided in the application documentation or incorporated into the EIAR and NIS.

11.10.23. Therefore, I do not consider a condition, such as the recommended Condition 14(e), to be precise, reasonable, or relevant to the development to be permitted and do not recommend to the Board that such a condition be attached in the event of a grant of permission. Should the Board disagree with my assessment and recommendation, and instead agree with the planning authority and find the construction of the link road to be a prerequisite for the proposal, I clarify that my AA in section 12.0 and my EIA in section 13.0 have not considered the likely significant effects of same.

#### Internal Layout

11.10.24. The proposed development has distinctive northern and southern portions, separated by the realigned stream, which is reflected in the internal road layout of the scheme. The northern portion of the scheme is served by the primary access route, Bridgegate Avenue (6m wide, link road) which extends from the permitted western Bridgegate development to the site's eastern boundary, running largely parallel to the stream and associated public open spaces (POS 1 and POS 2, also referred to as the linear park). Bridgegate Avenue provides direct access to the childcare facility, community building, and 48 duplex units, north of which is the public park. Further, reflecting its higher-level function, cycle lanes and a bus stop are provided on Bridgegate Avenue.

11.10.25. The southern portion of the scheme comprises the majority of residential units which are arranged in a grid layout with interconnecting predominately secondary roads. This area is connected to Bridgegate Avenue by way of three culverted crossings over the stream, two vehicular and one pedestrian/ cyclist. The internal layout of the southern portion features a hierarchy of roads and several pedestrian pathways. The roads include a central 6m wide link road (connecting with Bridgegate Avenue in a T junction via a bridge crossing over the stream), 5.5m wide local roads (a series of secondary streets laid out on east-west and north-south



alignments), and 5.5m wide local neighbourhood roads (two neighbourhood streets on north-south alignments with raised surfaces and on-street parking).

11.10.26. The layout of the scheme allows for the future provision of vehicular, pedestrian and cyclist access at seven points along the site's western, southern, and eastern boundaries to Cherrybrook and Rathgory, and undeveloped greenfield lands. As outlined in section 11.5 and discussed in the subsection above with regard to access, I consider the internal layout of the scheme to be acceptable in terms of urban design and public realm, and I positively note features of the layout which increase opportunities for permeability to and from the wider area.

11.10.27. In considering the internal layout of the proposal and traffic requirements arising, I have had regard to both the general and more specific requirements in the DMURS. Generally, DMURS recommends a number of key design principles and overall, I consider the scheme achieves these principles through its road design (avoids use of wide straight carriageways thereby slowing traffic, roads have a slight curvature and/ or are interconnected in grid layout so shortened), its street hierarchy (use of different road designs allows for legibility and improved experiences), its siting of building lines close to the footpaths (creating streetscapes particularly for the neighbourhood streets), its use of shared surfaces (paths are mostly 2m in width, with raised shared surfaces and changes in texture and material to provide for pedestrian priority areas thereby ensuring users' safety), and the inclusion of overlooked and enclosed public spaces (roads are aligned north and south of the stream thereby overlooking POS 1 and POS 2, while POS 3 is overlooked and safely enclosed on all sides by surrounding local roads).

11.10.28. More specifically, I find the proposed layout to be of a design standard that accords with the requirements of the DMURS including dimensions of carriageways, footpaths, junction sizes, visibility splays, sightline distances, swept path analysis indicating safe manoeuvring of larger vehicles (fire tenders, refuse trucks, and local buses). I also note the contents of the applicant's DMURS Compliance Report which indicates the implementation of measures for traffic calming and protection of vulnerable road users such as the provision of pedestrian crossing and road markings/ signage, use of raised tables and paving, and in the design of junctions,

roads, paths, corner radii, and parking bays. I consider the layout to be clear in format, easy to navigate, and results in safe conditions with slow moving traffic.

11.10.29. Further, I note that a Quality Audit with a Stage 1 Road Safety Audit was undertaken to inform the layout and includes measures identified to address potential issues associated with visibility at junctions and crossings, driving conditions due to road alignments, and safety measures associated with the stream. Recommendations for improving the internal layout (e.g. Problems 2, 4, 6, and 8) from the road safety audit are stated as being incorporated into the proposed design.

11.10.30. In the CE report, the planning authority seeks revised details by way of condition in respect of compliance with the DMURS for on-street parking (Condition 14(j)) and implementation of the Quality Audit recommendation for the safety measure at the stream (Condition 14(l)). Of the former, the planning authority identifies that the DMURS requires the perpendicular parking spaces along a 5.5m wide carriageway to be 2.5m wide (not as proposed at 2.4m). I consider this deviation in standard can be addressed by way of condition requiring compliance with the DMURS. Of the latter, Problem 10 (3.4.10) of the Quality Audit report identifies water safety at the stream as a risk for pedestrians, recommends the provision of buoyancy aids along the length of the watercourse, which the applicant does not accept due to the depth of the watercourse (indicated as being a maximum depth of 430mm after a 1 in 100 year event). Notwithstanding, I concur with the planning authority, consider this safety recommendation from the Quality Audit report to be reasonable and necessary, and recommend the issue be addressed by way of condition requiring the implementation of all recommendations of the Quality Audit report in consultation with and through approval from the planning authority.

#### Parking Provision

11.10.31. In respect of car parking, the proposal includes a total of 480 spaces. These spaces comprise 446 spaces for residential use (362 spaces for the houses, 84 spaces for the duplex units), 17 spaces for the childcare facility, 6 spaces for the community building, and 11 visitor spaces. In design, the parking spaces are a combination of in-curtilage for the majority of houses and on-street (perpendicular or parallel) for a limited number of houses, the duplexes, other uses, and visitors.

11.10.32. In total, 446 spaces are provided for the residential units, which equates to an average of 1.64 spaces per unit. In design and operation, the parking spaces are to be allocated on the basis of dwelling type and number of bedrooms. The 3 and 4 bedroom houses (156 dwelling units) each have 2 spaces. The 2 bedroom houses (50 units) and 1 bedroom duplex apartments (17 units) have 1 space each, while the 2 bedroom duplexes (24 units) and 3 bedroom duplexes (25 units) have parking of c.1.2 spaces and c.1.5 spaces per unit respectively.

11.10.33. Table 13.11 of the CDP indicates 2 parking spaces should be provided for each house and apartment, irrespective of size and bedroom number, in locations such as the application site (identified as being in Area 3). The proposed development generates a residential parking space requirement of 544 spaces and the provision of 446 spaces represents a shortfall of 98 spaces. Of the 272 residential units, 116 units (43%) are not provided with the recommended 2 spaces.

11.10.34. While I acknowledge that this represents a notable proportion of the total number of units, this is due to the bluntness of the CDP standard and there being no differentiation in parking requirements based on the size and type of unit. I positively note that each unit is provided with at least 1 space thereby ensuring an acceptable level of residential amenity. I concur with the applicant's position that the extent of provision is acceptable, and in so doing I have had regard to the site's urban location, high degree of accessibility to local services and facilities, the provision of alternative modes of transport and supporting infrastructure in the scheme (safe and lit footpaths, cycle lanes, large number of cycle parking spaces, and a bus stop at an accessible location 400m from all dwellings units which could service a local bus route), and the requirements of national planning policy (e.g. NPO 13 and NPO 27 in the NPF), in particular the Apartment Guidelines, to limit car parking space provision so as to reduce private car dependency.

11.10.35. In terms of car parking design, CDP policy in sections 13.8.18 and 13.16.9 require electric vehicle charging infrastructure to be provided at a rate of 20% for total spaces. There is a degree of flexibility incorporated into both policy references in respect of what type of parking (communal) and the percentage (pending guidance). The applicant's Statement of Consistency and Planning Report refers to 20% of parking in communal areas being provided with ducting and wiring to

facilitate the installation of EV charging points. In the CE Report, the planning authority's recommended Condition 10 refers to 20% of communal spaces provided with EV charging points, and ducting provided for all remaining spaces including in-curtilage spaces. I recommend the attachment of a similar condition in the event of a grant of permission.

11.10.36. In respect of cycle parking, the proposal includes a total of 708 spaces. These spaces comprise 362 long-stay spaces and 346 short-stay (visitor) spaces. The spaces are further differentiated between uses (residential=houses (206 long-stay+206 short-stay), duplex units (144+60), childcare facility (10+10), community building (2+10), open space (0+60)), and between parking infrastructure provision (in-curtilage provision estimated as 412 spaces, represents space/ room available, and 296 spaces (100 covered spaces, 196 uncovered stands). In terms of the quantum of cycle parking provision, I note that the proposal complies with and exceeds the requirements specified in Table 13.12 of the CDP for each use. With regard to the duplex units, there is a total requirement of 173 spaces (140 long-stay: 33 short-stay) and 204 spaces (144:60) are provided.

11.10.37. In respect of the nature of the cycle parking, section 13.8.18 of the CDP requires that 'secure, conveniently located, and covered cycle parking be provided in apartment developments'. Of the 296 cycle spaces, there are 100 spaces provided in three purpose-built covered and secure bike stores. These comprise two Bike Store Units A (44 spaces each) serving the duplex units, and one Bike Store Unit B (12 spaces) serving the childcare facility and community building. The two Bike Store Units A offer 88 covered spaces to the duplex units, with one store located between Blocks A and B, and the other between Blocks C and D. The remaining 196 spaces are a combination of Sheffield stands and standard cycle stands, which are located throughout the scheme, though primarily in proximity the childcare facility, community building and adjacent to open space areas.

11.10.38. Of the CDP requirement for 173 spaces (140 long-stay: 33 short-stay) to serve the duplex units, I consider that the 88 spaces in the two covered bike stores can be categorised as long-stay. Accordingly, of the required 140 long-stay cycle spaces, 88 spaces (63%) are secure, conveniently located, and covered. While I acknowledge this is not fully compliant with the standard included in the CDP, I

consider the nature and extent of the provision to be acceptable. I positively note that each duplex unit will be provided with 1.33 covered spaces, and I am satisfied that this will afford a satisfactory level of amenity to residents.

11.10.39. In the applicant's Statement of Material Contravention, the potential for the car and cycle parking arrangements to be material contraventions of the CDP is identified. In respect of the car parking, the material contravention is due to the failure to provide all houses and apartments with 2 spaces each, as required in CDP Table 13.11, constituting a shortfall of 98 spaces. Of the cycle parking, the material contravention is due to not all cycle parking serving the apartments being covered, as required by policy in CDP section 13.3.18.

11.10.40. In considering the appropriateness of the reduced car parking provision and not all cycle spaces being covered, in my opinion these acceptable due to each residence in the scheme being provided with at least one car and one covered cycle parking space, each proposed use in the scheme (residential, childcare, community, recreational) being provided with a quantum of car and cycle parking, and the approach to parking provision is in accordance with the proper planning and sustainable development of the area (reduced car parking and increased cycle parking provision will alter traffic patterns and facilitate a change in modes of transport).

11.10.41. Finally, of the potential for the shortfall in car parking space provision and the design of the cycle parking spaces to be material contraventions of the CDP, I do not find this to be the case. Instead, for the reasons outlined above, I consider both items to be contraventions of the CDP but not ones of materiality. Accordingly, I find the extent of car parking provision and the design of the cycle spaces to come within the scope allowable for each, and I do not find the proposed development to be a material contravention of CDP Table 13.11 and/ or policy standards in section 13.8.13.

#### Traffic Management

11.10.42. The TTA establishes the baseline transport conditions, estimates the traffic generation arising from the proposal, and assesses the impact of the proposal on the receiving transportation network. A key finding of the baseline year conditions (2022) relates to the main crossroads junction in Ardee town (referred to as J1). The

N2 Bridge Street (northern approach arm) of the crossroads displays a 93% degree of saturation in the AM peak which indicates that the junction arm is already exceeding effective capacity (which is reached at 90% saturation).

11.10.43. The application includes a preliminary CMP which addresses traffic management issues during the construction phase of the proposal. The TTA estimates construction traffic at the site as 10 HGV and 10 LGV two-way trips in each peak hour, and 50 car one-way trips in each peak hour (total of 90 trips) which is equated to 116 car equivalent (PCU) trips per peak hour. With the implementation of several mitigation measures including those in the CMP, the impact of the proposal on the local road network (phased development over a 7-year period) is considered to be acceptable. I note key measures include implementing the final agreed CMP, preparation of a detailed Traffic Management Plan (TMP), coordination of notable construction related traffic trips and deliveries to avoid peak hours, and the appointment of a traffic liaison officer. I consider the measures to be appropriate, final agreement to be necessary, and management of same can be addressed by condition.

11.10.44. The TTA estimates the operational trips (residential, childcare and community related) arising from the proposal as being 299 in the AM peak, and 348 in the PM peak, which is equated to 311 PCU in the AM peak, and 356 PCU in the PM peak. Operation phase mitigation measures are largely avoidance measures designed into the proposed development such as pedestrian and cyclist routes and connections, reduced car parking spaces, excess cycle parking spaces, cycle lane infrastructure, and a bus stop. With the implementation of these measures, the T junction at the entrance to the Bridgegate development with the N2 Drogheda Road (J3) is predicted to continue to operate within effective capacity on all junction approaches in the design year of 2039.

11.10.45. Conversely, the proposal is predicted to have a long-term significant adverse impact on the operational efficiency of J1 by the design year 2039. This finding is identified as being reversible as several actions (improved public transport or cycling infrastructure, alternative new road infrastructure delivery, or changes in general traffic flow restrictions) have the potential to improve the operational efficiency of this junction. Notably, the do-nothing scenario for the junction indicates that an

intervention would be required to improve the junction's capacity by the year 2039, irrespective of the proposed development's traffic generation. The impact of the proposal is considered further in section 13.0 below within regard to Chapter 10 of the EIAR and transportation conditions.

11.10.46. In the CE Report, the planning authority raises concerns over the findings of the TTA and indicates the delivery of the east-west link road as being necessary to address the adverse impact on J1. The planning authority also refers to the achievement of several technical requirements and design standards, and the extent of compliance with DMURS, which form the basis of the planning authority's recommended conditions relevant to transport and traffic. Save for the construction and delivery of the link road, as discussed above, I consider the conditions to be reasonable (e.g., implementation of all the safety recommendations of the Quality Audit report) and recommend the layout of the scheme be fully in compliance with the national requirements and standards of DMURS and National Cycle Manual.

11.10.47. Finally, while the applicant indicates that a Mobility Management Plan (MMP) has not been prepared for the proposal due to the dominance of single occupancy units, I consider there to be several planning merits in preparing and agreeing such a plan with the planning authority. I consider that a MMP is necessary due to the mix of use classes in the scheme, the proportion of duplex units, that the open space is freely accessible to the public, that the public park is likely to be a trip destination, and that there is a bus stop proposed. I am satisfied that a MMP can serve as an additional mitigation measure to ameliorate the traffic impact on J1 which is of concern to the planning authority.

### Conclusion

11.10.48. In conclusion, I am satisfied that the proposed development has appropriate access arrangements, comprises a legible and safe internal layout with due regard for pedestrian, cycle, and public transport traffic, meets satisfactory standards for car and cycle parking, and has designed-in opportunities for future permeability. I find that the proposal would not give rise to a traffic hazard or be seriously injurious to the amenity of those in the immediate area of the site. I consider that the scale of proposed development can be accommodated within the existing road network without undue adverse impact except for the main crossroads in Ardee town centre

which will experience capacity constraints notwithstanding the implementation of the proposed development. As such, in the event of a grant of permission I recommend the attachment of appropriate conditions.

### **11.11. Water Services and Utilities**

- 11.11.1. The application is accompanied by a number of documents relevant to water services and utilities. These include the Engineering Services Report (with Appendix D: Irish Water Confirmation of Feasibility and Statement of Design Acceptance), a Site-Specific Flood Risk Assessment (SSFRA), and a Utilities Report. Further examination of this item is provided in Chapter 6 Water and Chapter 12 Utilities of the EIAR.
- 11.11.2. The conditions of the receiving environment include the absence of any services infrastructure at the site, the presence of water supply and wastewater infrastructure in the adjacent Bridgegate development (Phase 1 and partial Phase 2), and the Regional Wastewater Treatment Plant which treats the town's effluent under licence was upgraded to expand treatment capacity from 5000 PE (population equivalent) to 10,000 PE. In respect of surface water, at present the two fields both drain to the Rathgory Tributary, flowing centrally through the site, and to the drainage ditch along the eastern perimeter.

#### Water Supply and Wastewater

- 11.11.3. For water supply, the proposed development will connect into the local watermains under construction/ constructed for the adjacent Bridgegate development, which is located along Bridgegate Avenue. The Irish Water submission states that a connection is feasible without an infrastructure upgrade.
- 11.11.4. For wastewater drainage, the proposal also seeks to connect to the foul sewer infrastructure constructed for the adjacent Bridgegate development located along Bridgegate Avenue. The applicant indicates that the foul drainage network of the Bridgegate development has been designed to cater for the flows from the proposed development in addition to Phases 1-3. The Irish Water submission indicates that a new connection to the existing network is feasible subject to upgrade works, which include the upsizing of between 300m-1000m of 225mm sewer along the public road



with final details to be agreed at connection stage. The submission confirms that third-party permissions are not required.

- 11.11.5. The planning authority indicates satisfaction that no third-party permissions are required in respect of water and/ or wastewater upgrade works that Irish Water can implement subsequently. Accordingly, I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to water supply and wastewater drainage infrastructure.

#### Surface Water Management

- 11.11.6. For surface water drainage, the site is divided into three catchments served by four attenuation systems. The systems have a combined storage capacity of 2,951m<sup>3</sup>, which is calculated as being required for a 1 in 100 storm event with allowance made for climate change. Following attenuation, surface water will discharge by hydrobrake controls at greenfield rates to the public network. The network comprises the realigned stream and the surface water infrastructure constructed for the adjacent Bridgegate development located along Bridgegate Avenue to which the proposed development will connect.
- 11.11.7. The majority of the site is in Catchment A (west, central, southwest areas of the site) which will be attenuated to one of two underground attenuation tanks located in POS 2 and POS 3. Catchment B (central, southeast areas) will be attenuated by an attenuation tank located on the southern side of the realigned stream in POS 1, while Catchment C (north, northeast areas) will be attenuated by an attenuation tank on the northern side of the stream in POS 1.
- 11.11.8. In addition to the attenuation infrastructure, the design of the proposal incorporates several SuDS measures (low water usage sanitary appliances, water butts, permeable paving), petrol/ oil interceptors at the outfalls to the public network, and retention of an area to the east of the site associated with the stream's flood plain undeveloped open space. The CE Report from the planning authority and the submission from the IFI indicate broad acceptance of the surface water management strategy.

#### Flood Risk Assessment

- 11.11.9. A SSFRA has been undertaken for the proposed development. Though flooding incidents are recorded in the vicinity of Ardee town associated with the River Dee to the north of the site, no records of historic flooding at the site are recorded. The Rathgory Tributary flowing through the site is identified as an OPW maintainable channel under the Arterial Drainage Act, and this central area in the site is designated as 'benefitting lands' which may benefit from the implementation of Arterial (Major) Drainage Schemes.
- 11.11.10. The SSFRA references the North Western Neagh Bann CFRAM Study, 2012 which confirms that there is a risk of fluvial flooding towards the eastern boundary of the site. While the majority of the site is located in Flood Zone C, these lands to the east experience significant out of bank flooding and are located in Flood Zone B. The source of this flooding is identified as being cross catchment flow from the Rathgory River to the southeast of the site, which causes ponding of water (Flood Zone A/ B) within the eastern margin of the site.
- 11.11.11. The site is analysed for flood risk arising from different sources, with the risk of fluvial flooding from the Rathgory Tributary acknowledged, while tidal flooding is screened out, and pluvial and groundwater flood risks are discounted due to the absence of necessary conditions and historic evidence. The implementation of mitigation measures, including several avoidance measures designed into the scheme, is recommended. These include siting all residential development within the Flood Zone C area, no displacement of flood waters due to the proposal, selection for buildings' finished floor levels with freeboard commensurate to a 1 in 1000-year event, suitably designed channel profile (with appropriately sized culverts) for the stream, and for the riparian corridor (gradients, landscaping), and surface water management system with attenuation areas and controlled runoff rates. Following the implementation of the measures, a small decrease in the peak flood flows downstream of the site is anticipated with no negative impacts elsewhere, and the flood risk arising from the proposal is evaluated as low.
- 11.11.12. The planning authority broadly accepts the findings of the SSFRA, requires prior to commencement engineering details on culvert capacity and an upstream storage area, which I consider can be addressed by condition. While I note concerns raised in the observations about flood risk and the implications of same, I

am satisfied that the risk of flooding at the site has been demonstrated as being low, the proposal will not result in an increased flood risk elsewhere including downstream of the site, and that the development of the site for residential purposes in the manner proposed is acceptable.

#### Utilities

11.11.13. The utilities of electricity, gas, and telecommunications are available at the adjacent Bridgegate development to the west of site, by which the proposed development will be served. With regard to waste, a preliminary Construction and Demolition Waste Management Plan (CDWMP) and Operational Waste Management Plan (OWMP) accompany the application in EIAR Volume III: Appendices. The CDWMP indicates how waste generated from the site during construction will be appropriately managed. Once operational, communal waste management is identified as being the responsibility of a management company with collection intended to be through an appointed waste contractor.

#### Conclusion

11.11.14. In conclusion, I am satisfied the applicant has demonstrated authority to access and connect to water services infrastructure, that the issues of flood risk at the site and to the proposed development have been addressed in the submitted SSFRA, and that the proposed development can be serviced adequately, and utilities provided safely thereby ensuring an acceptable standard of residential amenity. As such, in the event of a grant of permission I recommend the attachment of appropriate conditions.

### **11.12. Chief Executive Report**

11.12.1. As relevant to the headings above, I have referred to the planning authority's opinions and position as presented in the CE Report. Overall, I highlight that the planning authority supports the site's development for residential, community and recreational purposes, finds the scheme to be of an acceptable density, design, layout and building height, can be suitably serviced in terms of water infrastructure capacity, and safely accessed in terms of pedestrian, cycle, and, for the most part vehicular arrangements.

11.12.2. I note issues raised by the Elected Members include the appropriateness of developing housing at the site's location (conflicting positions), the access (provision of the link road) and servicing (availability of capacity) arrangements for the proposed development, and whether active public open space is provided in the scheme. I have considered and addressed these items in the relevant subsections above.

11.12.3. I consider that the principal issue raised by the planning authority relates to the omission from the proposed development of the construction and delivery of the east-west link road, which forms the basis of the recommended Condition 14(e). As discussed in subsection 11.10 above, I do not agree with the planning authority that the delivery of this section of road should be incumbent on the applicant and do not recommend a condition requiring same.

11.12.4. Other items identified by the planning authority as not being satisfactory, necessitating revisions and/ or agreement include the duration of the permission, the omission of single storey dwelling units, the siting of a bin and cycle storage unit, all of which, on balance, I consider to be acceptable. There are several engineering items (technical information, achievement of standards) that the planning authority requires be addressed, for example, the recommended Condition 14 has 19 sub-items. I concur with the attachment of conditions requiring compliance with applicable national (planning guidelines, manuals) and local (CDP) standards.

### **11.13. Material Contravention**

11.13.1. Section 7.2 above of this report outlines the applicant's Statement of Material Contravention and the CDP objectives and standards which the proposed development is identified as potentially being in material contravention of. The Statement of Material Contravention also provides justifications for the material contraventions with reference to section 37(2)(b) of the 2000 Act.

11.13.2. A material contravention can be justified if one of the four criteria of section 37(2)(b)(i)-(iv) are met. These criteria are as follows:

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.13.3. The applicant's statement identifies potential material contraventions of CDP objectives and policy standards in respect of six topics, as follows:

1. Single Storey Properties (Objective HOU 27),
2. Density (Table 13.3),
3. Car Parking (Table 13.11),
4. Bicycle Parking (section 13.8.13),
5. Natural Heritage, Biodiversity, and Green Infrastructure (Objective NBG 17, section 8.11, Objective NBG 44 and Objective NBG 57), and
6. Boundary Treatment (section 13.8.11).

11.13.4. I direct the Board to section 7.2 of this report in which I have cited the objectives and policy standards in full.

11.13.5. As part of this planning assessment in section 11.0, I have considered each of the six topics as they arose in the applicable subsections. In short, I do not find the proposed development to be a material contravention of the six topics identified by the applicant, or indeed any other objective or policy, of the CDP.

11.13.6. In the event that the Board does not agree with my assessment and considers the proposed development to materially contravene the topics, I provide an opinion as to whether the contraventions can be justified and indicate the reason for same with reference to the criteria in section 37(2)(b) of the 2000 Act.

#### Single Storey Properties

11.13.7. Should the Board not agree with my assessment (see subsection 11.6) and determine the proposed development to be a material contravention of Objective HOU 27, the contravention would be justified on the grounds of section 37(2)(b)(iii), whereby compliance is achieved with the requirements of section 28 guidelines (Sustainable Residential Development Guidelines and Building Height Guidelines).

Density

11.13.8. Should the Board not agree with my assessment (see subsection 11.4) and determine the proposed development to be a material contravention of the density recommendation in CDP Table 13.3, the contravention would be justified on the grounds of section 37(2)(b)(iii), whereby compliance is achieved with the requirements of the RSES, section 28 guidelines (Sustainable Residential Development Guidelines and Building Height Guidelines), and NPF.

Car Parking and Bicycle Parking

11.13.9. Should the Board not agree with my assessment (see subsection 11.10) and determine the proposed development to be a material contravention of the car parking recommendation in CDP Table 13.11 and the bicycle parking policy standard in CDP section 13.8.13, the contraventions would be justified on the grounds of section 37(2)(b)(iii), whereby compliance is achieved with the requirements of section 28 guidelines (Sustainable Residential Development Guidelines, Building Height Guidelines, and Apartment Guidelines) and the NPF.

Natural Heritage, Biodiversity, and Green Infrastructure

11.13.10. Should the Board not agree with my assessment (see subsection 11.8) and determine the proposed development to be a material contravention of Objective NBG 17, Objective NBG 44, Objective NBG 57 and policy standard in section 8.18, the contraventions would be justified on the grounds of section 37(2)(b)(iii), whereby compliance is achieved with the requirements of section 28 guidelines (Sustainable Residential Development Guidelines, Building Height Guidelines, and DMURS) and the NPF.

Boundary Treatment

11.13.11. Should the Board not agree with my assessment (see subsection 11.6) and determine the proposed development to be a material contravention of the boundary

treatment policy standard in CDP section 13.8.11, the contravention would be justified on the grounds of section 37(2)(b)(iii), whereby compliance is achieved with the requirements of section 28 guidelines (Sustainable Residential Development Guidelines and Apartment Guidelines).

### Conclusion

11.13.12. In conclusion, I am satisfied that the proposed development does not constitute a material contravention of the CDP and that the proposal substantively complies with the applicable CDP objectives and policy standards for the proposal. In the event that the Board considers the proposed development to be a material contravention of the CDP, I consider that the application comes within the scope of justification for a material contravention of the CDP due to its satisfying section 37(2)(b)(iii) by being in compliance with national policy in the NPF and Rebuilding Ireland (compact urban growth and provision of new homes), the RSES for the area (Ardee as a Self-Sustaining Growth Town is required to be developed in an efficient and sustainable manner), and/ or requirements in several section 28 guidelines including SPPRs which the Board is required to apply (the Sustainable Residential Guidelines indicate a minimum density of 35dph, SPPR 4 in the Building Height Guidelines requires the achievement of the density range, and the Apartment Guidelines recommend reduced car parking provision).

## **12.0 Appropriate Assessment**

### **12.1. Overview**

12.1.1. This section of the report considers the likely significant effects of the project on European sites by undertaking a number of distinct steps including, in compliance with Article 6(3) of the EU Habitats Directive and sections 177U and 177V in Part XAB of the Planning and Development Act 2000, as amended. These include screening the need for appropriate assessment, reviewing the Appropriate Assessment Screening Report (AASR), the Natura Impact Statement (NIS) and associated documents, and undertaking an appropriate assessment of implications of the proposed development on the integrity of any identified European sites.

### **12.2. Stage 1 – Appropriate Assessment Screening**

12.2.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

#### Test of Likely Significant Effects

12.2.2. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European site. This screening stage is Stage 1 of the appropriate assessment process. The project is examined in relation to any possible interaction with European sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European Site.

12.2.3. In carrying out my assessment I have had regard to the nature of the project, characteristics of the site, the distances from the site to European sites, the existence of connections, relied on the applicant's AASR, NIS and the NPWS's Conservation Objectives reports and Site Synopses, and I have had regard to observations and submissions received in relation to the potential impact on European sites.

#### Project Description and Site Characteristics

12.2.4. The application is accompanied by a AASR prepared by Altemar Consultants, dated March 2022. The applicant provides a description of the project in the AASR.

12.2.5. In summary, the elements of the project relevant for appropriate assessment screening comprise:

- Development of a residential scheme of 272 dwellings units, with ancillary facilities, on a greenfield site measuring c.13ha (gross area) and c.7.7ha (net developable area),
- Provision of open space (total of c.5.4ha) comprising a main public park and a series of smaller open spaces incorporating a variety of hard and soft landscaping,
- Realignment of the existing Rathgory Tributary, and the development of the watercourse as a landscaped linear park with a riparian corridor clear of development (measuring 10m on both banks, allowing for safe access to the watercourse for maintenance purposes),



- Provision of two vehicular crossings (including culverts and mammal passes) and one pedestrian/ cyclist crossing over the realigned Rathgory Tributary,
- Provision of a new surface water drainage system, incorporating several SuDS measures with surface water attenuated to four storage units under open spaces, treated and discharged at greenfield rates to the realigned Rathgory Tributary which merges with the River Dee and flows to Dundalk Bay (and, following extension and connection, to the public surface water drainage system in the adjacent Bridgegate development),
- Provision of a new upgraded foul sewer line to connect the project to the existing wastewater system in the adjacent Bridgegate development, with wastewater treated under licence at the Ardee Regional WWTP, and discharged to River Dee and to Dundalk Bay,
- Construction phase involves topsoil stripping, soil excavation, watercourse realignment, instream works, and site reprofiling with resultant loss of habitats and field boundaries (tree and hedgerow), and production of silt, dust and noise, and
- Operation phase involves the occupation of the development with associated increases in human activity, and noise and artificial light production.

12.2.6. The applicant provides a description of the nature of the site in the AASR. The key site characteristics relevant for appropriate assessment screening include:

- Site is described as a series of neglected arable fields with recent disturbance associated with the development works to the west,
- Seven habitats are identified at the site including BC1-Cultivated Land and ED3- Recolonising Bare Ground habitats (northern area), ED3- Recolonising Bare Ground (southern area), FW2- Depositing/ lowland rivers and WL1- Hedgerows (Rathgory Tributary), ED2 -Spoil and Bare ground (western area), WL2- Treelines (eastern and western site boundaries), and FW4- Drainage Ditches (eastern boundary),
- The stream, hedgerows and treelines are identified as the most important habitats within the site and are classified as being of local importance,

- The stream is described as heavily tunnelled by hedgerow and silted with no instream fauna or flora species of conservation importance noted in/ at the watercourse,
- A direct hydrological pathway is identified from the Rathgory Tributary to Dundalk Bay SAC and Dundalk Bay SPA (c.12.1km to the east) via the River Dee,
- No other habitats of conservation significance are identified within the site,
- No flora species of conservation importance, or rare or threatened plant species are recorded within the site,
- Of fauna species, except for the presence of two bats species, no species of conservation importance are noted within the site, and
- No protected bird species are recorded within the site.

12.2.7. Taking account of the characteristics of the project in terms of its location, site characteristics, and the scale of works, I consider that relevant issues in the identification of likely significant effects on European sites to include:

- Surface water pollution related to the watercourse realignment and instream works;
- Surface water pollution related to construction phase activity; and
- Surface water pollution related to operation phase activity.

#### Submissions and Observations

12.2.8. In the CE Report, the planning authority notes the applicant's screening report for appropriate assessment and states the Board is the competent authority for determining same. The CE Report recommends permission be granted for the project with conditions, some of which relate to surface water management.

12.2.9. Submissions have been received from three prescribed bodies in respect of wastewater services, surface water management, hydrological and biodiversity items. Firstly, Irish Water indicates upgrades works are required to the local wastewater system to cater for wastewater from the proposal, can be undertaken by/

in consultation with the applicant, and recommends standard conditions for connection agreements and compliance with codes and practices.

- 12.2.10. Secondly, Inland Fisheries Ireland (IFI) highlights the presence of Rathgory Tributary at the site, which flows into the River Dee, and that the latter River Dee contains valuable fisheries habitat and support a range of fish stocks including salmon and lamprey species which are Annex II listed species in the European Habitats Directive. The submission recommends conditions including acquiring agreement with the IFI on detailed design of the realigned channel, stream manipulation works, and instream structures, and implementation of a CEMP with several surface water mitigation measures.
- 12.2.11. Thirdly, the Development Applications Unit (DAU) of the Department of Housing, Local Government, and Heritage comments on nature conservation. The submission notes the findings of the NIS (the hydrological pathway from the site via the Rathgory Tributary/ River Dee to the two European sites c.12.1km away in Dundalk Bay, while not probable it is possible that pollutants could mobilise and potentially be transported downstream to these sites), acknowledges the extensive suite of measures included in the NIS and CEMP to avoid such mobilisation, and accepts the NIS conclusion that with the implementation of these measures it is not likely that the proposed development will result in detrimental effects on the sites.
- 12.2.12. However, the DAU submission questions the necessity for the proposed stream realignment and removal of the field boundaries with trees and hedgerows, and recommends a condition requiring the omission of elements or redesign of the proposal to allow for the retention of the stream and field boundaries.
- 12.2.13. The DAU submission also refers to omissions and/ or contradictions in information provided, which while I note, having reviewed the range of submitted documents, I am satisfied that the information allows for an examination of the substantive issues relating to and identification of any potential significant effects of the development, alone, or in-combination with other plans and projects on European sites.
- 12.2.14. While concerns regarding drainage at the site and flood risk associated with the project are raised by observers, the appropriate assessment of the proposed development was not raised specifically as an issue.

12.2.15. Finally, while there is not a formal submission from the OPW, as outlined in the applicant's SSFRA, the Rathgory Tributary is identified as an OPW maintainable channel under the Arterial Drainage Act, consultation is indicated as having been had with the OPW, and the riparian corridor has been designed with a 5m wide track to allow for OPW access and maintenance to the watercourse.

#### European Sites Likely to be Affected

12.2.16. The application site is not located in or immediately adjacent to a European site. The AASR identifies four European sites within a precautionary 15km radius of the site and provides descriptions of the sites including the conservation objectives and qualifying interests. These are, in order of proximity:

- Stabannan-Braganstown SPA (site code: 004091) located 5.1km to the northeast,
- Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026) located 12.1km to the northeast, and
- River Boyne and River Blackwater SAC (site code: 002299) located 14.1km to the south.

12.2.17. Of the four European sites identified within the 15km radius, two sites are screened out for further consideration due to the absence of pathways (hydrological or biodiversity, direct or indirect) between the application site and the European sites. These are Stabannan-Braganstown SPA and River Boyne and River Blackwater SAC. Of the former, the breeding bird and wintering bird surveys carried out at the application site did not note the presence of the Greylag goose, the only qualifying interest of the Stabannan-Braganstown SPA. Of the latter, the qualifying interests of River Boyne and River Blackwater SAC include fish, otter, fen, and forests.

12.2.18. The AASR concludes, in respect of the likely significant effects on Stabannan-Braganstown SPA and River Boyne and River Blackwater SAC that: *'There is no direct or indirect...pathway from the proposed development site to this [European site]. The qualifying interests will not be impacted by the proposed development. No significant effects are likely'*. Similarly, European sites further than 15km from the

site are screened out due to the absence of any hydrological and/ or biodiversity pathways connecting these to the site.

- 12.2.19. The AASR establishes the potential zone of influence of the project within which are included the European sites observed as having direct hydrological connections to the application site following pathway analysis. The nature of the connections is that the project involves works to the on-site watercourse (instream and on/ along banks) and discharging surface water drainage to the watercourse. The European sites identified as being within the project's zone of influence include Dundalk Bay SAC and Dundalk Bay SPA due to the connections observed from the Rathgory Tributary at the site via the River Dee to Dundalk Bay.
- 12.2.20. The specific conservation objectives of the estuarine habitats selected as qualifying interests of the potentially affected Dundalk Bay SAC site relate to maintaining or restoring the habitat area, habitat distribution, community extent, community structure, physical and vegetation structure, and/ or composition. There are no objectives in relation to water quality. The specific conservation objectives for the bird species selected as qualifying interests of the potentially affected Dundalk Bay SPA site relate to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.
- 12.2.21. I concur with the conclusions of the applicant's screening, in that the only European sites where there is potential for likely significant effects to occur, are the Dundalk Bay SAC and SPA designations as a result of direct hydrological connectivity. Accordingly, I have not considered any other European sites as being potentially within the zone of influence due to the nature and scale of the proposed development, the distance from, and absence of a connection to such a site.
- 12.2.22. In the interests of clarity, I identify an additional European site within 15km of the project, River Boyne and River Blackwater SPA (site code: 004232), with a single qualifying interest, the kingfisher. However, in similarity with the screening conclusion for River Boyne and River Blackwater SAC, in the absence of any pathway, there is no likelihood of significant effects on same.

#### Identification of Likely Significant Effects

- 12.2.23. Of note from the AASR are the findings with regard to identification of likely significant effects. The significance of effects on the European sites are determined through a consideration of the different ways in which a project can impact upon a European site if a pathway exists. The potential for construction phase habitat and species loss and disturbance, and operation phase wastewater and surface water pollution are considered to be unlikely in the applicant's AASR.
- 12.2.24. This is a position with which I concur having regard to the absence of any habitats and species of AA-related conservation value within or supported by the site, to the comparably small quantum of wastewater discharge from the project which will be collected, pumped to and treated at Ardee Regional WWTP and discharged under licence to the River Dee, and subjected to dilution effects from the distances to Dundalk Bay SAC and SPA, and to the collection, attenuation, and discharge of surface water run-off at greenfield rates to the Rathgory Tributary/ drainage ditches/ surface water public system, in compliance with industry standards (GDSDS) and incorporating several SuDS measures.
- 12.2.25. The hydrological connection from the site to Dundalk Bay SAC and SPA includes the Rathgory Tributary (the proposed realignment of which is included in the project) and is such that surface water runoff associated with construction phase activity will drain to the Rathgory Tributary and in turn to the River Dee and to Dundalk Bay. Of the construction phase activity, due to the site clearance and construction works planned to facilitate the project and these directly involving (i.e. realignment and instream works) and being in close proximity to the watercourse at the site, following a precautionary approach, the potential for large quantities of silt or other construction pollutants to be washed downstream means that significant effects to the Dundalk Bay SAC and SPA cannot be ruled out.
- 12.2.26. Of note from the AASR, in respect of the likely significant effects on both the Dundalk Bay SAC and SPA is the conclusion that: *'...significant effects on the [European site] are likely, in the absence of mitigation measures, from the proposed works....as a result of the direct hydrological connection of the [European site] to the proposed project which involves instream works and a direct surface water connection to watercourses that lead to this [European site]. For this reason, it is necessary to proceed to a NIS on the effects of the project on this site in view of its*

*conservation objectives...Significant effects are likely in the absence of mitigation measures. NIS is required'.*

12.2.27. From the foregoing, I consider that there are construction phase activities of the project that could give rise to likely significant effects, on their own or in combination with other projects, on the qualifying interests of Dundalk Bay SAC and SPA such that the need for Stage 2 appropriate assessment of Dundalk Bay SAC and SPA cannot be excluded without further analysis and assessment.

12.2.28. A summary of the two European sites including their conservation objectives and qualifying interests, the nature of the connection (source-pathway-receptor) to the site, and the possibility of likely significant effects arising from the project are presented in Table 3 below.

**Table 3: Screening Summary Matrix**

<b>European Site Code and Conservation Objective</b>	<b>Qualifying Interests or Special Conservation Interests</b>	<b>Distance from Site and Connection (source, pathway, receptor)</b>	<b>Likely Significant Effect</b>	<b>Screening Conclusion</b>
<p><u>Dundalk Bay SAC (000455)</u></p> <p>To maintain or to restore the favourable conservation condition of the qualifying interests (habitats) 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>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows</p>	<p>c.12.1km</p> <p>Direct hydrological connection between the project (source), development works of and/ or surface water drainage to the Rathgory Tributary via the River Dee (pathway) to Dundalk Bay and the European site (receptor).</p>	<p>Likely significant effects may arise on the water quality in the Rathgory Tributary and the River Dee from development works (realignment of watercourse, instream works) and/ or surface water pollution during the construction and/ or operation phases of the project affecting the protected habitats in Dundalk Bay.</p>	<p>Screened in for the need for AA due to potential impacts from development works of Rathgory Tributary and surface water pollution during the construction phase of the project.</p>

	( <i>Juncetalia maritimi</i> ) [1410]			
<p><u>Dundalk Bay SPA (004026)</u></p> <p>To maintain the favourable conservation condition of the qualifying interests (bird species, and the wetlands habitat) for which the SPA has been selected.</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p>	<p>c.12.1km</p> <p>Direct hydrological connection between the project (source), development works of and/ or surface water drainage to the Rathgory Tributary via the River Dee (pathway) to Dundalk Bay and the European site (receptor).</p>	<p>Likely significant effects may arise on the water quality in the Rathgory Tributary and the River Dee from development works (realignment of watercourse, instream works) and/ or surface water pollution during the construction and/ or operation phases of the project affecting the protected habitats in Dundalk Bay.</p>	<p>Screened in for the need for AA due to potential impacts from development works of Rathgory Tributary and surface water pollution during the construction phase of the project.</p>



	Knot ( <i>Calidris canutus</i> ) [A143] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Herring Gull ( <i>Larus argentatus</i> ) [A184] Wetland and Waterbirds [A999]			
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### Mitigation Measures

12.2.29. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European site have been relied upon in this screening determination.

### Screening Determination Conclusion

12.2.30. Having carried out Stage 1 screening for appropriate assessment of the project, I have concluded that the project individually or in-combination with other plans or projects could have likely significant effects on Dundalk Bay SAC (000455)

and Dundalk Bay SPA (004026) in view of the sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment is therefore required.

12.2.31. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the proposed development, separation distances, and absence of connections between the project, the application site, and the European sites, Stabannan-Braganstown SPA (004091), River Boyne and River Blackwater SAC (002299), and River Boyne and River Blackwater SPA (004232).

### 12.3. State 2 – Appropriate Assessment

#### Natura Impact Statement

12.3.1. The application is accompanied by a NIS prepared by Altemar Consultants, dated March 2022. The NIS provides details on the Dundalk Bay European sites (conservation objectives, qualifying interests, and targets in Tables 3 and 4), analyses the potential impacts on the European sites from the proposed development (Table 5), provides details of mitigation measures proposed, how and when they will be implemented (Table 6), and considers in-combination effects with other plans and projects on the European sites.

12.3.2. The NIS concludes that *'Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to have a significant impact...in view of best scientific knowledge... No significant effects are likely on European sites, their qualifying interests or conservation objectives. The proposed project will not will adversely affect the integrity of European sites.'*

12.3.3. Having reviewed the range of submitted documents (including the Engineering Services Report, SSFRA, CEMP, and Chapter 4 Biodiversity and Chapter 6 Water in the EIAR), third party observations, submissions from the prescribed bodies, and the more detailed information in the NIS, I am satisfied that the information allows for a complete assessment of any negative effects of the development on the conservation objectives of the Dundalk Bay SAC and SPA alone, or in-combination with other plans and projects.

#### Assessment of the Implications of the Project

- 12.3.4. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any negative effects are considered and assessed.
- 12.3.5. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG, 2010; Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC, 2002; and Managing Natura 2000 Sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC, 2018.

#### The European Sites

- 12.3.6. Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) are subject to this appropriate assessment. A description of the SAC and the SPA, their conservation objectives and qualifying interests, including any relevant attributes and targets for the sites are set out in detail in the NIS (Tables 3 and 4), and in summary in Table 3 above as part of my assessment.
- 12.3.7. In short, Dundalk Bay SAC is a large open shallow sea bay, which encompasses the mouths and estuaries of several rivers, including that of the River Dee. The SAC is designated for its six habitats which are indicated as having unfavourable-declining to favourable-stable status. The habitats at Dundalk Bay are identified as of great importance to the bird species food chain. Dundalk Bay SPA is composed of wetlands habitat and is designated for 23 bird species (wintering and breeding) ranging from red to green status.
- 12.3.8. The site-specific conservation objectives including targets for the qualifying interests of Dundalk Bay SAC and SPA are as follows:
- Estuaries: maintain permanent habitat area as stable or increasing, subject to natural processes;
  - Mudflats and sandflats not covered by seawater at low tide: as above;
  - Perennial vegetation of stony banks: maintain habitat area stable subject to natural processes, with no decline in habitat distribution;

- Salicornia and other annuals colonising mud and sand: restore habitat area to stable or increasing, subject to natural processes, including erosion and succession, with no decline in habitat distribution;
- Atlantic salt meadows: maintain habitat area as stable or increasing, subject to natural processes, including erosion and succession, with no decline in habitat distribution;
- Mediterranean salt meadows: as above;
- Birds: maintain long term population trend as stable or increasing with no significant decrease in the numbers of range of habitat areas used by waterbird species, other than that occurring from natural patterns of variation; and
- Wetlands: maintain habitat area as stable.

12.3.9. The NIS considers the potential impacts of the proposed development upon the qualifying interests of the SAC and SPA areas. Effects to the habitats in the SAC may have consequential impact on the availability of food for birds using the SPA. There will be no direct habitat loss, fragmentation or direct impacts upon bird species arising from the development. However, as direct hydrological connections exist, potential for large quantities of sediment and other construction pollutants entering the Rathgory Tributary resulting from works associated with construction of the proposed development cannot be ruled out. This could increase dust deposition, affecting the areas of habitat for which the SAC has been designated. The NIS also identifies that construction pollutants, such as concrete, could affect habitats and effect the availability of food sources for the range of birds using the SPA.

#### Mitigation Measures

12.3.10. Due to the nature of the proposed works, the presence of the Rathgory Tributary within the site (with subsequent potential run-off into the River Dee), and the relative proximity of the site to Dundalk Bay SAC and SPA, likely significant effects cannot be ruled out. As such, specific mitigation measures during the construction phase are required to protect and maintain the integrity of the habitats and species supported in Dundalk Bay. The NIS highlights that mitigation measures will ensure compliance with the Water Pollution Acts, which in conjunction with

liaison with the IFI, will be the primary methods of preventing any significant effect on the designated conservation sites in Dundalk Bay.

12.3.11. I have reviewed the range of proposed construction mitigation measures (Table 6, NIS). I consider these to be both standard in nature (representing best practice in construction methods, surface water drainage management, and pre-commissioning measures), and to be specifically devised for the project due to the presence of the Rathgory Tributary at the site and to protect the European sites in Dundalk Bay (focus on pollution prevention primarily during construction and to address the likely significant effects specific to the project). I also note the inclusion of a silt and petrochemical interceptor as an operation phase measure, which I consider to be standard in nature.

12.3.12. With regard to the specifically devised measures, I highlight the following as being of particular note:

- Methodologies for instream works to have prior approval of the IFI,
- Project ecologist to be appointed and consulted in relation to all onsite drainage during construction works,
- Instream works to be carried out in full consultation with and to the advice of the IFI and project ecologist,
- Staging of project with all instream works being carried out in Phase 1 (to reduce risks to watercourse from contamination), where the stream is diverted, landscaped, and protected from all subsequent phases,
- Ecological supervision will be required during diversion, excavation and enabling works stages,
- A trenched double layer silt fence to be put in place between the boundary of the site and the Rathgory Tributary with a 10m buffer from the watercourse.
- This silt fencing is to be in place as one of the first development stages on-site and prior to the full site clearance to ensure that the watercourses are not impacted during works, in particular during the site clearance, instream works and reprofiling stages,

- The silt fencing will act as a sediment control device to protect the watercourse from sediment and potential site water runoff but also act as a tree protection zone for the riparian buffer,
- Landscaping of the grassed areas of the site proximate to the Rathgory Tributary to take place immediately following reprofiling, to act as a buffer to protect the watercourse,
- Daily turbidity monitoring of the Rathgory Tributary (upstream, downstream of works) to take place during works in consultation with the project ecologist,
- Following the diversion works, maintain the existing 10m buffer with the Rathgory Tributary with a double layer of silt fences,
- Plant and equipment not to be parked within 50m of the Rathgory Tributary at the end of the working day,
- Hazardous liquid materials or materials with potential to generate run-off not to be stored within 50m of the Rathgory Tributary,
- Smaller quantities of fuel may be kept in secure labelled cans which are not to be stored within 50m of the Rathgory Tributary,
- Maintenance of any drainage structures (e.g. de-silting operations) not to result in the release of contaminated water to the surface water network/ Rathgory Tributary, and
- Landscaping of the riparian corridor to be carried out to the satisfaction of the IFI.

12.3.13. The NIS finds that with the successful implementation of the mitigation measures to limit surface water impacts on the Rathgory Tributary, and with the successful installation and initiation of the wastewater drainage system, no significant impacts on the downstream European sites are foreseen from the proposed project, and that residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works. The NIS concludes that no significant adverse impacts on the conservation objectives of European sites are likely following the implementation of the mitigation measures included in Table 6.

12.3.14. I consider that the mitigation measures are clear, straightforward and that conclusions can be reached whereby the likely significant effects of the proposed development on the qualifying interests of Dundalk SAC and SPA have been addressed. The measures proposed are considered to be effective, reflecting current best practice, and can be secured over the short/ medium term and the method of implementation can be secured through a detailed management plan. In the event of a grant of permission, I recommend that the implementation of these mitigation measures be subject of a condition.

#### In-Combination Effects

12.3.15. A necessary part of this appropriate assessment is a consideration of the potential for cumulative or in-combination effects of the proposed development with other plans and projects on Dundalk Bay SAC and SPA.

12.3.16. In respect of plans, I note the broader urbanisation of Ardee, which is planned for in the Louth Development Plan 2021-2027. In the CDP, the site is zoned for A2 New Residential Phase 1 development, while adjacent lands to the north and west of the site are zoned as A1 Existing Residential and additional lands to the east and south are zoned as L1 Strategic Reserve of the site. These zoned lands are also in proximity to/ along the length of the Rathgory Tributary, Rathgory Stream, and/ or River Dee as these watercourses pass through the town.

12.3.17. I note that a full appropriate assessment was undertaken of the CDP which found that, subject to mitigation measures, the implementation of the CDP would not have adverse impacts on European sites. In addition to the referred to zoning of the site and adjacent lands, the CDP also includes objectives supporting the continued development of Ardee as a Self-Sustaining Growth Town. I have reviewed the NIR of the CDP, which considered Dundalk Bay SAC and SPA, and included mitigation measures to protect European sites' integrity, such as integrating green infrastructure and increased native species planting in schemes, implementing ground water protection measures, and requiring SuDS measures within developments. In this regard, the development of the application site as part of the wider urbanisation of Ardee with in-combination effects has been accounted for.

12.3.18. The NIS considers in-combination effects of the proposal with the permitted Bridgegate development (Phases 1-3) (see section 4.0 above of this report).

Reference is made to appropriate assessment conclusions reached on these (i.e., no significant likely effects predicted on the closest European site). Further to the position of the NIS, I have reviewed the planning permissions and attached conditions. I consider that potential in-combination effects arising would be those associated with cumulative construction impacts and operation impacts. However, I do not consider that these are likely significant effects on the Dundalk Bay SAC and SPA due to mitigation measures included for in the proposed development to address construction impacts (CEMP, and achievement of IFI standards and requirements) and operation impacts (SuDS, surface water drainage system design and management).

12.3.19. The NIS also considers the upgrade of the local wastewater system required to serve the proposed development and the extant permissions. The NIS outlines the upgrade works require removal of the existing pipeline in the public road and replacement with upgraded pipelines, surrounding fill, backfilled material and road coverings. There is potential for sediment laden run-off to enter the Rathgory Tributary if appropriate mitigation measures are not put in place. However, the upgrade works will be to Irish Water specifications and the construction methodology will include the implementation of appropriate mitigation measures, thereby ensuring that there are no significant impacts arising. The NIS concludes that the proposed development in combination with other plans or projects is unlikely to have a significant effect on the European sites. I consider the overall conclusion to be reasonable and I concur with same.

12.3.20. In summary, the potential for in-combination effects arising from plans and projects has been referred to and considered in the applicant's NIS, and I have further considered and assessed the potential through reviewing the NIR of the CDP and the relevant planning permissions in the vicinity of the proposed development with potential to impact on the Rathgory Tributary and thereby on Dundalk Bay SAC and SPA. I am satisfied that there are no likely significant in-combination effects arising with other plans and projects from implementing the proposed development.

#### 12.4. **Appropriate Assessment Conclusion**



- 12.4.1. The project has been considered in light of the assessment requirements of sections 177U and 177V in Part XAB of the Planning and Development Act 2000, as amended.
- 12.4.2. Having carried out screening for appropriate assessment of the project, it has been concluded that likely significant effects on Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026) could not be excluded, and appropriate assessment was required of the implications of the project on the qualifying interests of the SAC and SPA in light of their conservation objectives.
- 12.4.3. Following an appropriate assessment, it has been ascertained that the proposed development, individually or in-combination with other plans or projects would not adversely affect the integrity of Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026), or any other European site, in view of the sites' conservation objectives.
- 12.4.4. This conclusion is based on:
- An assessment of all aspects of the proposed project including proposed mitigation measures in relation to the conservation objectives of Dundalk Bay SAC and SPA,
  - An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans, and
  - No reasonable scientific doubt as to the absence of adverse effects on the integrity of Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026).

## **13.0 Environmental Impact Assessment**

### **13.1. Statutory Provisions**

- 13.1.1. The proposed development provides for 272 residential units (202 houses and 66 duplex apartments), a childcare facility, and a community building. The proposal also includes for the realignment of the Rathgory Tributary through the site with a new landscaped riparian corridor, a series of open spaces including a main public park (3.6ha) and a linear park along the realigned watercourse, roads, footpaths,

cycle lanes, and a bus stop, 480 car and 296 cycle parking spaces, and for hard and soft landscaping, boundary treatments, drainage and services infrastructure (surface water, wastewater and water supply), public lighting, ESB substations, and all other site servicing and development works. The proposal is on a site measuring c.13.03ha that is located in the townlands of Rathgory and Mulladrillen, in Ardee.

#### Requirement for an Environmental Impact Assessment

13.1.2. Section 172(1)(a) of the Planning and Development Act 2000, as amended, and Item 10(b), Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended provides that an EIA is required for infrastructure projects that involve:

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

13.1.3. The applicant refers to Item 13(a), Part 2, Schedule 5 of the Planning and Development Regulations 2001 by which EIA is required for a change or extension of development already authorised, executed or in the process of being executed that involve:

- ii) an increase in size greater than –
  - 25 per cent, or
  - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

13.1.4. The applicant outlines that Phases 1-3 of the Bridgegate development permitted 155 residential units of which construction has commenced. The permitted development (155 units, 25% of which is c.39 units) in combination with the proposed development (272 units), I note referred to elsewhere in the case documentation as Phase 4, generates a total of 399 residential units. I consider the preparation of an EIAR for the project is a mandatory requirement as the proposed development comes within the scope of Item 10(b)(i) (the appropriate threshold) and Item 10(b)(iv) (gross area of the site at 13.03ha is greater than 10ha for a built-up area), and Item 13(a)(ii) (272 units is more than 50% of the appropriate threshold).

13.1.5. The following subsections examine the EIAR to ensure that statutory provisions in the Planning and Development Act 2000, as amended (principally in Section 171A, Part X) and the Planning and Development Regulations 2001, as amended (principally in Article 94, and Items 1 and 2, Schedule 6) have been complied with. These include the content of the EIAR, examination of the likely significant direct and indirect effects, identification of risk of major accidents and disasters, consideration of reasonable alternatives and undertaking of consultations.

#### Content of the Environmental Impact Assessment Report

13.1.6. The EIAR is laid out in three parts, Volume I: Non-Technical Summary, Volume II: Chapters, and Volume III: Appendices. The former fulfils the requirement of Article 94(c) of the Planning and Development Regulations 2001, as amended.

13.1.7. Chapter 1 sets out the introduction and methodology including, as required by Article 94(e), a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the site, context, and proposed development, which accords with Item 1(a), Schedule 6, and includes an examination of reasonable alternatives, as required by Item 1(d), Schedule 6. Chapters 3 to 13 inclusive examine the likely significant effects, as required by Item 1(b), Schedule 6 of the proposed development on the environmental factors identified in Section 171A(b)(i) of the Planning and Development Act 2000, as amended. Chapter 14 identifies and examines the risks associated with the proposed development. Chapter 15 examines potential of interactions between the environmental factors. Chapter 16 provides a summary of mitigation measures, in accordance with Item 1(c) and Item 2(g) of Schedule 6.

#### Likely Significant Direct and Indirect Effects

13.1.8. As required by Item 1(b) and Item 2(e), Schedule 6, the EIAR describes and assesses the direct and indirect significant effects of the project on the specific environmental factors identified in section 171A(b)(i) of the Planning and Development Act 2000, as amended. These are: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in these points (a) to (d).

13.1.9. As referred to above, these environmental factors correspond with Chapters 3 to 13 inclusive of the EIAR, and the interaction between the factors corresponds with Chapter 15. The contents and layout of the chapters are relatively consistent, with a description of the receiving environment, identification of the potential impacts, outline of associated mitigation measures, and prediction and evaluation of impacts, during the construction and operation phases, with the application of same.

#### Risk of Major Accidents and/ or Disasters

13.1.10. Section 171A(b)(ii) of the Planning and Development Act 2000, as amended, and supplemented by Item 2(e)(i)(IV) of the Planning and Development Regulations 2001, as amended, require that the expected effects derived from the vulnerability of the project to major accidents and/ or disasters that are relevant to the project concerned are considered.

13.1.11. The EIAR considers the risk of major accidents and/ or disasters under Chapter 14 Risk Management. The chapter identifies 10 categories of risk and assigns a likelihood rating of 1 to 5 from low to high. For the proposed development, the 10 categories of risk are given a rating of between 1 and 3, with the three categories of pollution, weather, and fire receiving the highest likelihood rating given of 3. The main risks identified as arising from the construction phase and are associated with pollution events, while fire is identified as the main operation phase risk. With the implementation of mitigation measures, the risks are evaluated as very unlikely to extremely unlikely, a position with which I agree.

13.1.12. I note that Chapter 6 Water of the EIAR, does not identify any likely significant effect arising from flood risk (the SSFRA for the project indicates that all proposed buildings are located in a Flood Zone C, a Flood Zone A/ B area to the east of the site is maintained as open space, and concludes that risks from all sources of flooding are low with the incorporation of mitigation measures). Chapter 10 Material Assets: Traffic, in respect of construction phase impacts, identifies potential for traffic safety conflicts with mitigation measures including the preparation and/ or agreement of a final Construction Management Plan (CMP) and a Traffic Management Plan (TMP). I note that traffic safety is not identified as a likely significant effect during the operational phase of the project due to the safe design and operation of the internal roads and paths, site entrances, and external junctions (demonstrated in the

separate Road Infrastructure Design Report (including a Quality Audit Report) and DMURS Statement of Consistency report).

- 13.1.13. I consider that due to the nature of the receiving area, the surrounding land uses, and the absence of any Seveso II Directive sites within 1km of the proposed project, the potential risk posed by a major accident and/ or disaster is low. Also, due to the nature of the proposed project, a residential scheme with ancillary uses and noting the results of the SSFRA and the CMP as I identified above, I consider that there are no significant risks arising from the operation of the project. Overall, I consider the risk of major accidents and/ or disasters to be low.

#### Reasonable Alternatives

- 13.1.14. Item 1(d) and Item 2(b), Schedule 6 of the Planning and Development Regulations 2001, as amended require that reasonable alternatives be considered. Chapter 2 of the EIAR addresses the alternatives considered. The site is zoned for objective 'A2 New Residential Phase 1' with spot objective SP 4 which requires the provision of a public park. The applicant outlines alternatives considered for the site, which primarily relate to variations in the design and layout of the project. and those subject to pre-planning consultations held with the planning authority and the Board. No alternatives are considered in the EIAR in respect of locations, uses or processes.

- 13.1.15. Having regard to the parameters of the underlying zoning, the site context (access arrangements, bisecting watercourse), and the planning history at the site, I am satisfied that alternative locations, uses and processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the legislative requirements.

#### Consultations

- 13.1.16. The Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, include for information being made available, consultations, and public participation in the EIA process. I am satisfied that the participation of the public has been effective, and the application

documentation has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

### Conclusion on Statutory Provisions

13.1.17. In conclusion, I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, that a Non-Technical summary has been provided in language that is understood, that reasonable alternatives have been considered, and consultations with the decision-making process have been facilitated.

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

13.2.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Section 171A(b)(i) of the Planning and Development Act 2000, as amended:

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

13.2.2. Within each of the environmental factors above, as applicable, I also examine and assess the mitigation measures identified to avoid, prevent, or reduce and where possible offset likely negative significant effects on the environment.

13.2.3. My assessment herein is based on the information provided by the applicant, including in the EIAR and the range of accompanying documentation (listed in section 3.0 above), with regard had to the information contained in the submissions from the observers, planning authority and prescribed bodies, and on my site inspection.

13.2.4. In undertaking this EIA and determining the significance of effects on the environment, I have had regard to the requirements of the Guidelines for Planning

Authorities and AN Bord Pleanála on carrying out Environmental Impact Assessment, DoHPLG, 2018, and of the Guidelines on the information to be contained in Environmental Impact Assessment Reports, EPA, 2022 (in particular Table 3.4 Description of Effects).

13.2.5. In sections 8.0, 9.0 and 10.0 of this report, I have presented the observer submissions, the planning authority's submission in the CE Report, and the submissions from the prescribed bodies. I consider the main issues that are of particular relevance and applicability to this EIA to be:

- Population and Human Health;
- Biodiversity,
- Material Assets: Traffic, and
- Landscape.

13.2.6. This EIA has had regard to the planning assessment of the relevant issues set out in section 11.0 and to the appropriate assessment set out in section 12.0 of this report. This EIA section of the report should therefore be read in conjunction with those sections.

### 13.3. (a) Population and Human Health

13.3.1. Chapter 3 of the EIAR considers the population and human health category of the environment. The chapter outlines the CSO 2016 census information for Ardee town which indicates a population just short of c.5,000 persons. The chapter estimates a population increase of between 680-748 persons associated with the proposed development based on an average household size range of 2.5-2.75 persons. I consider the population likely to be at the higher range, nearer the 748 persons, due to the proposal's residential unit mix (67% of 3+ bedroom units).

13.3.2. Potential impacts identified include those primarily associated with the construction phase of the development. These include safety, accident risk, water, noise, air quality, and waste and are largely identified as negative and short term. Once operational, potential impacts in these areas largely reduce to imperceptible and not significant. Risks of accidents and natural disasters, both during construction and operation (e.g. flood risk) are identified as low and not likely. Positive economic

impacts are identified at both construction phase (with an estimated 80 staff employed also generating indirect positive impacts of spend in the locality), and operation phase (permanent positive impact in the operational phase due to a notable population increase once the scheme is occupied). With regard to land use and settlement patterns, positive impacts are identified at operational phase with the permanent change from agricultural to residential, community and recreational uses, and provision of housing, community facilities, public parks, cycle infrastructure and a bus stop.

- 13.3.3. Mitigation measures recommended to address the potential impacts include those addressing construction related impacts through the implementation of several referenced plans including the CDWMP, a finalised CMP and a specific Traffic Management Plan. No specific mitigation measures are identified as necessary for the operation phase due to avoidance measures that have been incorporated into the proposal's design. For example, I identify those from the Quality Audit report, a DMURS compliant layout, and the residential development sited in Flood Zone C.
- 13.3.4. With the implementation of these measures, the predicted impacts include likely minor temporary residual impacts with respect to nuisance caused by construction activities over a 7-year period. Overall, the likely significant effect of the construction phase is predicted as being short-term, temporary, and neutral. No likely significant adverse environmental impacts are predicted from the operational phase.
- 13.3.5. I consider the introduction of c.750 persons to c.5,000 population town, to be significant. As outlined in section 11.4 above, I consider the applicant has demonstrated that there is sufficient capacity in facilities and services in the area to cater for the proposal, and that supporting services and facilities to serve the growing population are being provided and will continue to be. I consider the proposed development to result in several positive impacts including those related to increased economic activity, the provision of new residential homes, and creation of a new community in the town.

### Conclusion

- 13.3.6. In conclusion, I am satisfied that all likely significant negative effects on population and human health would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and



through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive effects in terms of population and human health.

**13.4. (b) Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**

13.4.1. Chapter 4 of the EIAR considers the biodiversity (including protected species and habitats) category of the environment. The Rathgory Tributary traversing the site, hedgerows and treelines are identified as the site's most important habitats, serving as biodiversity corridors, and classified of local importance. No other habitats of conservation significance are identified within the site. No flora species of conservation importance, or rare or threatened plant species are identified at or in the vicinity of the site. Save for the presence of two bat species, no fauna species of conservation importance are identified within the site.

13.4.2. Potential impacts identified include those associated with the site clearance, reprofiling and construction phases of the proposed development. The removal of terrestrial habitats and reprofiling of the site, the realignment of the stream and installation of new culverts are identified as likely to lead to silt laden and contaminated runoff entering the watercourse with potential for downstream impacts. In the absence of mitigation measures, these are likely to be significant in effect. Other potential construction phase impacts identified include the loss of habitat and habitat fragmentation (e.g. hedgerow proximate to the watercourse) which may negatively affect fauna species reliant on same, for example for bat species, without mitigation measures. However, as no evidence of bat roosts were recorded in the trees on site, no significant negative impacts on bat species are anticipated. The reduction in vegetation cover (loss of food sources and insects) including the removal of some mature trees (nesting) and the development of the site with increased human presence (light pollution) are identified as negative impacts on birds. During the operation phase of development, the biodiversity value of the site is expected to improve due to largely to avoidance measures incorporated into the design (e.g. connection to separate foul and surface water systems, and surface water runoff complying with SuDS).

- 13.4.3. Mitigation measures recommended to address the potential impacts include those measures required to minimise the potential negative impacts on biodiversity within the project's zone of influence primarily associated with works to (realignment) and affecting (wider site development) the Rathgory Tributary, and the potential for likely significant effects on the Dundalk Bay designations. The chapter contains an extensive and detailed suite of measures which are in turn cross-referenced in the CEMP and included in the NIS, and I direct the Board to my assessment of same as applicable in section 11.8 Biodiversity and Green Infrastructure and section 12.0 Appropriate Assessment above.
- 13.4.4. Construction phase mitigation measures are proposed for four areas relating to the works associated with Rathgory Tributary and to protecting the Dundalk Bay designations. The purpose of the measures is to ensure that runoff from the site is contained, and that silt is intercepted and removed from runoff prior to entering the stream throughout the construction process. The measures relate firstly to the riparian corridor construction stage, secondly to drainage on site outside the riparian corridor, thirdly for culvert installation, and lastly for the relocation and culverting of the stream. I identify key measures as including the appointment of a project ecologist prior to works/ site clearance commencing on site, all works in the riparian corridor to be carried out in consultation with and to the satisfaction of the IFI and the project ecologist, and the best practice guidelines for construction in the vicinity of watercourses to be followed.
- 13.4.5. Operation phase mitigation measures centre on the implementation of the landscape strategy, which includes the planting of c.453 trees in the landscaping scheme (a net increase of 446 trees on the site), selection of the planting schedule of native pollinator-friendly species, maximising feeding opportunities for bats, birds, and insects, maintenance of tree and hedgerow cover to prevent tunnelling along the realigned stream so as to encourage instream biodiversity, and the realigned watercourse developed as a fisheries' compliant biodiversity corridor with pools, riffles, and glides.
- 13.4.6. Further mitigation measures identified in the chapter apply to both the construction and operation phases of the proposal so as to address potential impacts for bird species (removal of nesting habitats outside of breeding season, provision of bird

boxes, creation of wildlife corridors to provide additional shelter to minimise predation), for bat species (pre-construction survey, retention of hedgerows and ivy cover on trees where possible, replanting of the riparian hedgerow in Phase 1, use of sensitive, indirect, and appropriate strength lighting of hedgerows and treelines), and for hedgerow and treelines (retention of trees and hedgerows where possible, compensatory planting, implementation of landscape strategy with planting of high-quality trees and by a planting regime that encourages insect diversity).

13.4.7. With the implementation of these measures, the predicted impacts during the construction phase on watercourses (Rathgory Tributary and River Dee) and hedgerows and treelines habitats are described as positive long-term in effect, while the impacts on the site's larger remaining habitats (Recolonising Bare Ground/ Bare Ground) and the Dundalk Bay European sites are negligible in effect. Construction impacts on bird species are negligible/ positive long-term in effect, while the impacts on the remaining species (mammals, amphibians, flora) are negligible in effect. Operational impacts on watercourses habitat are positive/ neutral in effect, on hedgerows and treelines habitats are neutral, and negligible on Recolonising Bare Ground/ Bare Ground habitat. Operational impacts on bird and amphibian species are minor adverse/ localised/ short-term in effect, while the impacts on the remaining species (mammals, flora, and aquatic fauna) are negligible.

13.4.8. While in the main I concur with the applicant's assessment, I consider the identification of the construction impacts for watercourses and hedgerows and treelines habitats as being long-term in effect, to be more applicable to the operational phase. Similarly, I do not fully concur with the operation phase impacts for bird and amphibian species described as being minor adverse and short-term and, instead, find these to be likely positive and long-term when due consideration is given to the extensive strategy of mitigation measures relevant to the protection of the watercourses and creation of biodiversity.

13.4.9. In conclusion, I am satisfied that all likely significant negative effects on biodiversity and protected species and habitats would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive

effects in terms of biodiversity and on the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC.

### 13.5. (c) Land, Soil, Water, Air, and Climate

13.5.1. Within the applicant's EIAR, this group of environmental categories is considered in Chapter 5 Land and Soils, Chapter 6 Water, Chapter 7 Air and Climate, and Chapter 8 Noise and Vibration.

#### Land and Soil

13.5.2. Chapter 5 of the EIAR considers the land and soil category of the environment. The chapter identifies the site as being located within the 'Ardee-Newtown Bedform Field', a county geological site (CGS) identified for protection in the CDP. A history of quarrying on the southern field is referred to, and more recent disturbance (backfilling) to lands in the northwest due to construction works associated with the Bridgegate development. The chapter outlines the area of the site to be redeveloped as 77,519.8m<sup>2</sup>, that the volume of cut material generated from the proposed development on site will be 42,096m<sup>3</sup>, the fill material required for reuse will be 7,865m<sup>3</sup> and that the remaining 34,231m<sup>3</sup> will be required to be removed from site.

13.5.3. While the site is located within a CGS, as the field is extensive and the site's location is in a peri-urban area at its northern extremity, no threat or adverse impact is anticipated to this CGS. Also, due to the extent of disturbance, made ground without geological features recorded within 3m of the existing ground level, the significance of effect of redeveloping the site is reduced.

13.5.4. Potential impacts identified include those associated with the site clearance and construction phases, and for the operation phase of the proposal. Key impacts arising during the initial site clearance relate to dust, noise, and traffic activities associated with excavation, removal, reprofiling, and disposal of surplus material. During the main construction phase, key impacts relate to traffic and waste management issues from removal of soils from the site, noise and vibration levels associated with excavation and piling activity, and groundwater issues due to the potential risk of localised contamination of surface water and/ or groundwater environments, the latter identified as a potential permanent negative effect. Once operational, due largely to the underlying nature of the site's bedrock, and avoidance

measures within the design of the proposal including use of a closed drainage system incorporating silt traps and oil/ petrol interceptors, the potential impacts of the proposal on soils, subsoils, and geology, would likely be neutral imperceptible permanent in effect.

13.5.5. Mitigation measures recommended to address the potential impacts include those primarily focused on addressing the site clearance and construction impacts. For site clearance, the chapter refers to the measures included in Chapter 11 of the EIAR and the CDWMP (I direct the Board to my assessment of same), while for the construction phase, the chapter refers to the measures included the CEMP (I direct the Board to my assessment in section 11.8 Biodiversity and Green Infrastructure and section 13.4 in respect of Biodiversity above). Operation phase mitigation measures are largely focused on avoidance measures designed into the scheme associated with surface water management, SuDS features, oil/ petrol interceptors, and use of permeable paving for parking areas.

13.5.6. With the implementation of these measures, the predicted impacts on land, soils and geology at the site and receiving area, arising from the proposed development are not significant and neutral during both the construction and operational phases.

#### Conclusion

13.5.7. In conclusion, I am satisfied that all likely significant negative effects on land and soil would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of land and soil.

#### Water

13.5.8. Chapter 6 of the EIAR considers the water category of the environment. The chapter outlines the hydrology of the site, with the presence of the Rathgory Tributary (tributary of the River Dee) located centrally and at the lowest level (35m OD) in the site. The northern (highest level of 54m OD) and southern (45m OD) parts of the site drain to the stream which in turn drains to the River Dee further north. The River Dee (closest monitoring point) indicates an EPA Q status 'good' and a Water Framework designation 'moderate'. The site is not serviced, and the proposal

involves connection into the existing water services infrastructure provided for the adjacent Bridgegate development.

- 13.5.9. Potential impacts identified include those associated with construction phase activities, key among which is pollution which poses a significant temporary risk to surface water quality if not properly contained and managed. Wastewater drainage (stored and discharged on temporary connection to the public system) from the site during the construction period is expected to have a slight negative short-term impact on the existing system. Similarly, the construction phase impact on water supply has potential for a slight negative short-term impact.
- 13.5.10. Mitigation measures recommended to address the potential impacts include those focussing on the construction phase impacts. Key mitigation measures include the implementation of the CMP, preparation of an Emergency Response Plan in the event of a pollution causing incident to the watercourse, best construction practice methods (e.g. appropriate location and manner for storing, handling, mixing and disposing of materials), cordoning off excavation areas and watercourses, and controlled processes for dewatering and discharging of surface water. Operation phase mitigation measures largely involve implementing the avoidance measures which have been designed into the proposal. These include discharge of surface water run-off from car parks and yard areas into the foul drainage system via grit/ petrol/ oil separators, discharge of surface water at greenfield run-off rates through the flow controls, and the removal of the surface water from the existing combined sewers thereby reducing the loading on the Ardee Regional WWTP.
- 13.5.11. With the implementation of these measures, the predicted impacts on water at the site and receiving area are described as not significant and slight during both the construction and operational phases of the proposal. Surface water predicted impacts include an improvement in the quality (due to the provision of petrol/ oil interceptors and grease trays), a reduction in the quantity discharging to the existing system (use of flow control with storm attenuation), and no alteration in the status/ designation of the local watercourse (River Dee) due to the proposal. For wastewater (subject to an undisputed connection upgrade) and water supply (subject to installation of water saving devices and water meters), the predicted impacts are

slight, long-term and not significant in effect as the existing systems have capacity to cater for the proposal.

### Conclusion

13.5.12. In conclusion, I am satisfied that all likely significant negative effects on water would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of water.

### Air and Climate (inclusive of Noise and Vibration)

13.5.13. Chapter 7 of the EIAR considers the air and climate category of the environment, while Chapter 8 considers noise and vibration, which I identify as a sub-category of air. Baseline conditions are modelled for air quality (NO<sub>2</sub> and PM<sub>10</sub>) and climate (CO<sub>2</sub>), while nearest sensitive receptors are identified as being 50-200m distance during construction works (worst-case scenario of c.25m).

13.5.14. Potential impacts identified include those arising during the construction phase of the development. These are primarily dust emissions for air, and traffic emissions for climate, while for noise and vibration these are disturbance to noise sensitive receptors and occupiers of buildings.

13.5.15. Mitigation measures recommended to address the potential impacts include those focussing on air quality and climate associated with the construction and, to a lesser extent, the operation phase. The key mitigation measure for the construction phase is the implementation of the Dust Management Plan (included as an appendix in the EIAR) and which has also been incorporated into the CEMP. To address air quality impacts, the plan includes for cleaning, watering and maintenance of roads and hard surface areas, storage of materials to minimise wind exposure, use of a wheel wash at entrance, trucks covered in and off site, and restricted access on unsurfaced roads. Mitigation measures to address greenhouse gas emissions include the prevention of on-site or delivery vehicles from leaving engines idling, and minimising waste of materials due during the construction process. Mitigation measures to address the construction phase impacts on noise and vibration include several control measures (best practice and industry standards) such as the

selection of quiet plant, use of enclosures, screens around noise sources, limiting the hours of work, and noise monitoring. Further, a designated noise liaison officer will be appointed during construction works to log issues and inform closest receptors about works (type, time, duration).

- 13.5.16. Operation phase mitigation measures seek to address climate impacts associated with electricity usage and are largely avoidance measures incorporated into the scheme and relate to energy efficiency building design (heating, ventilation, lighting). Impacts on air quality and climate arising from operational traffic are predicted to be imperceptible in the long-term and no specific mitigation measures are identified. Significant negative impacts on noise and vibration at nearby noise sensitive locations during the operational phase are not anticipated, and accordingly, no mitigation measures are identified.
- 13.5.17. With the implementation of these measures, the predicted impacts during the construction phase include those on air quality (dust soiling) at nearby receptors being short-term, negative, localised and imperceptible in effect, the impact on climate (traffic and machinery emissions) as being neutral, short-term and imperceptible in effect, and the impact on human health (ambient air quality) being negative, short-term, localised and imperceptible in effect. The predicted impacts on nearby noise sensitive locations are predicted to be negative, moderate, and short-term in effect (locations are variable and worst-case scenarios), and vibration impacts at same are predicted as neutral, imperceptible, and short-term.
- 13.5.18. During the operation phase, based on the air dispersion modelling of operational traffic, the impact on air quality (traffic emissions) is predicted to be long-term, localised, negative, and imperceptible in effect, the impact on climate (changed weather patterns, increased rainfall, flood risk) is long-term, negative, and imperceptible in effect, and the impact on human health (ambient air quality) is similarly long-term, negative, and imperceptible in effect. Operation phase noise levels along adjacent roads associated with traffic from the proposal and cumulative developments, increase by 1dB, the impact of which is predicted as negative, imperceptible, and long-term in effect. Noise level impacts from service buildings and the childcare facility are predicted as neutral, imperceptible, and long-term at the noise sensitive locations.



13.5.19. I concur with the applicant's findings that the construction phase predicted impacts for air (noise, vibration) and climate are likely to be short-term, negative and imperceptible, and the operation phase predicted impacts to be long-term, negative to neutral and imperceptible, thereby reflecting a degree of negativity but not of significance.

#### Conclusion

13.5.20. In conclusion, I am satisfied that all likely significant negative effects on air (inclusive of noise and vibration) and climate, would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible negative/ neutral effects in terms of air (inclusive of noise and vibration) and climate.

#### Overall Conclusion for (c) Land, Soil, Water, Air, and Climate

13.5.21. In overall conclusion, I am satisfied that all likely significant negative effects on land, soil, water, air (including noise and vibration), and climate would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of land and soil, imperceptible neutral effects in terms of water, and imperceptible negative/ neutral effects in terms of air (including noise and vibration) and climate.

### **13.6. (d) Material Assets, Cultural Heritage, and the Landscape**

13.6.1. Within the applicant's EIAR, this group of environmental categories is considered in Chapter 10 Material Assets: Traffic, Chapter 11 Material Assets: Waste Management, Chapter 12 Material Assets: Utilities, Chapter 13 Cultural Heritage and Archaeology, and Chapter 9 Landscape.

#### Material Assets: Traffic

13.6.2. Chapter 10 of the EIAR considers the material assets: traffic category of the environment. The chapter expands on the findings of the separate Traffic and Transport Assessment. A key finding of the baseline year conditions (2022) relates

to the main crossroads junction in Ardee town (referred to as J1). The N2 Bridge Street (northern approach arm) of the crossroads displays a 93% degree of saturation in the AM peak which indicates that the junction arm is already exceeding effective capacity (which is reached at 90% saturation).

- 13.6.3. Potential impacts identified include those anticipated, due to the baseline year data, for both construction and operation phases on the local road network, primarily at the town's principal crossroads (J1) and at the access point to the Bridgegate development (J3). Additionally, the cumulative traffic impacts from other permitted development in the town are also factored into the modelling and assessment.
- 13.6.4. Mitigation measures recommended to address the potential impacts include, for the construction phase, the implementation of the CMP, the preparation of a detailed Traffic Management Plan, coordination of notable construction related traffic trips and deliveries to avoid peak hours, and the appointment of a traffic liaison officer between the contractor and local residents, county council, and garda. Operation phase mitigation measures largely focus on avoidance measures incorporated into the design of the scheme including the provision of pedestrian and cyclist permeability through the Bridgegate development to the west and through Hale Street to the north, reduced car parking provision of 1.64 spaces per residential unit as opposed to the recommended 2 spaces, excess provision of cycle spaces and supporting cycle lane infrastructure, and provision of a bus stop on Bridgegate Avenue in 400m of all dwellings units.
- 13.6.5. The construction phase traffic is estimated as being in the range of 116 passenger car equivalent (PCU) trips per peak hour which is stated as significantly less than that predicted for operation phase traffic which is in the range of 311 PCU in the AM peak, and 356 PCU in the PM peak. Accordingly, the EIAR considers that this scale of increase did not require junction performance modelling and it predicts that the local road network has capacity to accommodate same. As such, with the implementation of the mitigation measures, the construction phase impacts are predicted as not being significant.
- 13.6.6. During the operation phase, with the incorporation of the avoidance measures into proposed development, the impact on traffic, however, is predicted to result in a long-term significant adverse impact on the operational efficiency of J1, while J3 is

predicted to continue to operate within effective capacity on all junction approaches in the design year 2039, during both the AM and PM peak hour periods, with minimal vehicle queueing and acceptable delays.

13.6.7. For J1, the finding is considered to be reversible as several actions (improved public transport or cycling infrastructure, alternative new road infrastructure delivery, or changes in general traffic flow restrictions) have the potential to improve the operational efficiency of this junction. The main observation on the finding of long-term significant adverse effect on traffic at J1, relate to the existing and do-nothing conditions of the junction. In the baseline year, J1 slightly exceeds effective capacity on its northern approach during the AM peak hour, while operating within effective capacity on all other approaches during both peak hour periods. In the do-nothing scenario, the EIAR demonstrates that the conditions at J1 are such that an intervention would be required to improve the junction's capacity by the year 2039, irrespective of the proposed development's traffic generation.

13.6.8. In considering whether the impact of the proposed development on the local road network is of such a nature and extent as to warrant a refusal of permission, I have had due regard to the applicant's justification and solution outlined above, the likelihood of the do-nothing scenario, and the fact that the lands are zoned for residential development in the CDP. Further, I have considered and accept as reasonable other assertions made by the applicant including that the predicted impacts are worst-case scenarios and certain assumptions are used that are likely resulting in higher traffic generation. These include applying the Cherrybrook estate trip rates to the proposed development's estimated operational total trips, which are higher than the equivalent rates from the TRICS database and are likely to be higher in reality than those of the proposed development as Cherrybrook has several detached houses with unlimited car parking. Also, TRICS database rates were used to estimate the trips associated with the childcare facility and community building, which are likely to be lesser in reality as these facilities are intended to cater for primarily for residents within the scheme. On balance, therefore while a likely significant negative effect is predicted for material assets: traffic in relation to one junction in the local road network, I consider this to be acceptable for the reasons outlined above.

## Conclusion

13.6.9. In conclusion, I am satisfied that all likely significant negative effects on material assets: traffic (except for an operation phase impact affecting the efficiency of the existing junction J1) would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude the proposed development would have a likely significant negative effect on material assets: traffic due to an operational phase impact adversely affecting the efficiency of the main crossroads in Ardee town (junction J1) by the design year 2039, which for the reasons outlined above, I consider to be acceptable. I conclude that the proposed development would have likely imperceptible neutral effects in terms of the remaining elements of material assets: traffic.

## Material Assets: Waste Management

13.6.10. Chapter 11 of the EIAR considers the material assets: waste management category of the environment. The proposed development involves the excavation of 42,096m<sup>3</sup> at the site, with the reuse of 7,865m<sup>3</sup> within the site for the proposal and the removal of 34,231m<sup>3</sup> excavated material offsite. Waste production will be associated with the phased construction works over a 7-year period and once operational, waste will be generated by residences and commercial operations.

13.6.11. Potential impacts identified include those at construction phase from waste materials if not managed and stored correctly, if non-permitted waste contractors or unauthorised waste facilities are used for waste disposal, if construction waste materials are not sufficiently recycled or recovered (instead of disposal in landfill), if excavated material being reused on site is not correctly classified and segregated. These potential impacts are mostly identified as being short-term (except for the use of unauthorised waste contractors/ facilities which is long-term), significant and adverse in effect. At operation phase similar potential impacts identified arising from waste unnecessarily disposed of to landfill, waste materials if not managed and stored correctly, if non-permitted waste contractors or unauthorised waste facilities are used for waste disposal, which are mostly identified as being long-term (except for waste storage which is short-term), significant and adverse in effect.

13.6.12. Mitigation measures recommended to address the potential impacts include those identified to address the construction impacts which focus on the implementation of a project specific CDWMP, material removed from site for reuse, recovery, recycling and/or disposal, and other measures including waste segregation, storage in bunded containers/ skips, staff training, and appropriately transported (trucks covered, cleaned) from site with records maintained. Operation phase mitigation measures include implementation of a project specific OWMP, segregation of waste, storage in colour-coded bins, reuse, waste collected will be reused, recycled, recovered as much as possible, and waste transported appropriately and taken to licenced facilities.

13.6.13. With the implementation of these measures, the predicted impacts include those during the construction phase as are short-term, imperceptible and neutral in effect. While for the operation phase, the predicted impacts are long-term, imperceptible, and neutral in effect. I concur with the applicant's findings on the likely significance of the predicted impacts due to the robustness of the construction and operation phase waste management plans and the conditions controlling same.

#### Conclusion

13.6.14. In conclusion, I am satisfied that all likely significant negative effects on material assets: waste management would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of material assets: waste management.

#### Material Assets: Utilities

13.6.15. Chapter 12 of the EIAR considers the material assets: utilities category of the environment. This chapter examines power and electricity supply, telecommunications, and surface water, foul drainage, and water supply infrastructure. The site is greenfield in nature and not serviced, and in the main, the proposed development involves connecting with/ into the utilities as constructed for the adjacent Bridgegate development to the west. In respect of the water services infrastructure, as there is a high degree of overlap with the findings of Chapter 6 Water, I direct the Board to my assessment of these above.

13.6.16. No potential impacts during construction phase or operation phase are anticipated in respect of power supply and telecommunications due to the ability to connect to the existing systems and the capacity in those systems to serve the proposed development. No targeted mitigation measures are recommended with general references made to best practice connection, installation, and safety methods.

13.6.17. The predicted impacts include those during the construction phase for both power and electricity supply, and telecommunications as short-term, neutral and imperceptible. While during the operation phase, these are long-term, neutral, not-significant effect. I concur with the applicant's findings regarding the quality and significance of effects for utilities.

#### Conclusion

13.6.18. In conclusion, I am satisfied that all likely significant negative effects on material assets: waste management would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of material assets: utilities.

#### Cultural Heritage

13.6.19. Chapter 13 of the EIAR considers the cultural heritage category of the environment, including archaeology. The site does not contain any recorded archaeological monuments, protected structures, or architectural conservation areas. The site includes the historic townland boundary, marked by the line of the Rathgory Tributary, between Mulladrillen to the north and Rathgory to the south.

13.6.20. Potential impacts identified include those arising during the construction phase from topsoil stripping, subsoil removal, excavation works, and the realignment of the Rathgory Tributary. In particular are impacts from excavation and development works to unknown buried archaeological features, and to the townland boundary due to the realignment of the watercourse and removal of hedgerows. There are no potential impacts anticipated on recorded archaeological monuments as there are none within the site, the nearest RMP which is the souterrain LH017-

011, will not be impacted upon by the proposal. There is no potential impact on architectural heritage due to the absence of same from the site. There are no potential impacts on cultural heritage anticipated during the operation phase of the development.

13.6.21. Mitigation measures recommended to address the potential impacts are those relating to the construction phase including additional geophysical survey work in the northern field, a programme of test trenching for the entire site to investigate anomalies, full excavation of archaeological features as necessary, allocation given of time, resources, appropriate reporting to authorities, and townland boundary recorded by photographic and written record prior to works being undertaken.

13.6.22. With the implementation of these measures, the predicted impact on cultural heritage and archaeology during the construction phase of the development is described as being low in effect.

13.6.23. As outlined in section 11.9 above, the DAU has recommended conditions relating to the management of archaeological heritage at the site including of the stream, which I consider necessary and appropriate.

#### Conclusion

13.6.24. In conclusion, I am satisfied that all likely significant negative effects on cultural heritage would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of cultural heritage including archaeology.

#### Landscape

13.6.25. Chapter 9 of the EIAR considers the landscape category of the environment. The site is greenfield in nature and incorporates a local elevation, Mulladrillen Hill. There are no protected landscape designations applicable to the site. The CDP VP 58 protects the view from Ardee town centre in a southerly direction towards Mulladrillen Hill and therefore is not impacted on by the proposed development.

13.6.26. Potential impacts identified include those on the character of the landscape and visual impact of the receiving area at construction and operation phases. The

scheme involves the removal of trees and hedges (7 of each), the realignment of the watercourse, extensive groundworks to achieve appropriately designed riparian corridor and footpaths, and most notably, alteration of greenfield open countryside to a built-up suburban area.

13.6.27. Mitigation measures recommended to address the potential impacts include those arising from the construction phase with use of best practice site management and construction work processes (location choice for site compound, storage of materials and plant), erection of site hoarding, and tree protection measures for the trees and hedges to be retained. Operation phase mitigation measures largely focus on remedial measures designed into the proposal, primarily implementing the landscaping strategy with screen planting along boundaries and within the scheme, use of low maintenance, predominantly native species for plants and shrubs and semi-mature trees, and combinations of hard and soft landscaping to better assimilate the new built environment into the receiving area.

13.6.28. In predicting the impacts on landscape, views of the proposed development from 9 vantage points in the receiving area are selected for examination. These vary in range (near, middle and long-distance), and sensitivity (based on receptor, i.e. public, private). Of the 9 viewpoints, V1, V2, V3, V7, V8, and V9 are long-distance views, of low to medium sensitivity. The viewpoints of note include V4 from within Cherrybrook estate (at the potential connection point with the proposed development), V5 from the N2 Drogheda Road of the main entrance in the Bridgegate development, and V6 from Hale Street in the De La Crescent estate at the pedestrian/ cyclist access point with the proposed development.

13.6.29. With the implementation of the mitigation measures, the predicted impacts on landscape during the construction phase are at V1, 3, 6-9 are imperceptible, permanent and neutral in effect, at V2 is low, permanent and neutral in effect, and at V4 is medium, permanent and neutral in effect. Similarly, during the operation phase (both early (1-7 years) and established (15 years +) stages), the significance and quality of the effects on the landscape are predicted to be the same as above at the respective viewpoints.

13.6.30. For the most part, I concur with the applicant's findings that in the main, the impacts on the landscape are imperceptible, permanent, and neutral, increasing in



significance of visual effect (to low and medium) with corresponding increases in proximity to the proposed development. I note that the EIAR concludes that the effect of the landscape impact at V4 (identified as being a receptor of medium sensitivity) is medium in significance. In my opinion, I consider V4 requires a rating of high sensitivity receptor (due to the immediacy of the residential dwellings to the proposal), and the magnitude of the impact as high in scale (due to the degree of change to the fore, mid and background views).

13.6.31. This is based on my site inspection and having experienced the wider scope of views available at this location (than that shown in the V4 photomontage) particularly to the north/ northwest as the views incorporate Mulladrillen Hill (a sensitive aspect of the visual environment) and the Bridgegate development. Further, I have considered the cumulative impact on landscape and visual amenity associated with the construction of the adjacent Phases 1-3, which when are all constructed and operational, I consider will likely have significant neutral effects on the landscape character and visual amenity from the V4 vantage point.

#### Conclusion

13.6.32. In conclusion, I am satisfied that all likely significant negative effects on the landscape would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant neutral effects in terms of landscape when viewed from a proximate viewpoint in the receiving area (V4 in Cherrybrook estate). I conclude that the proposed development would have likely imperceptible neutral effects in terms of the remaining elements of landscape.

#### Overall Conclusion for (d) Material Assets, Cultural Heritage, and the Landscape

13.6.33. In overall conclusion, I am satisfied that all likely significant negative effects on material assets (except for an operational phase traffic impact affecting the efficiency of the existing junction J1), cultural heritage, and the landscape would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of material assets (including most of

traffic, and all of waste management and utilities), imperceptible neutral effects in terms of cultural heritage (including archaeological heritage), and imperceptible neutral effects in terms of the landscape (except for construction and operation phase impacts from a proximate viewpoint in the receiving area (V4 in Cherrybrook estate) which would have likely significant neutral effects on the landscape. I conclude the proposed development would have a likely significant negative effect on material assets: traffic due to an operational phase impact adversely affecting the efficiency of the main crossroads in Ardee town (junction J1) by the design year 2039, which for the reasons outlined above, I consider to be acceptable.

### **13.7. Interaction between the factors referred to in points (a) to (d)**

13.7.1. Chapter 15 of the EIAR considers the Interactions between the environmental categories listed above. The interactions are presented in tabular format, with the confirmation of the interactions across the different environmental categories, and a summary of the nature of the interactions also provided. The chapter identifies the primary interactions within the project as including the following, which is an assessment that I concur with:

- Design with water and land and soils,
- Landscape design, engineering services with biodiversity,
- Visual impact with biodiversity,
- Biodiversity with water and soils,
- Noise and vibration and traffic with human health, and
- Air quality and climate and traffic.

13.7.2. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the incorporation and/ or implementation of the range of mitigation measures, there is no residual risk of significant negative interaction between the environmental categories identified which would require further specific mitigation measures.

### **13.8. Cumulative Impacts**

- 13.8.1. The cumulative impacts of the proposed development have been identified satisfactorily in the EIAR and have allowed for an adequate and accurate assessment of the project. The development of the application site is planned for as the lands are zoned as 'A2 New Residential Phase 1', the site is included within the development boundary of Ardee, a Self-Sustaining Growth Town, identified for continued growth within the lifetime of the CDP. The development of the site would occur in tandem with the development of other sites that are appropriately zoned (i.e. existing residential, new residential Phase 1 and possibly Phase 2) in the town. Such development would be unlikely to differ from that envisaged under the CDP which has been subject to Strategic Environment Assessment (SEA).
- 13.8.2. A number of developments in the surrounding area have been specifically identified as being considered in the EIAR, in particular those associated with the adjacent Bridgegate development Phases 1-3 (e.g. Chapter 3 Population and Human Health, Chapter 6 Water, Chapter 9 Landscape, and Chapter 13 Cultural Heritage and Archaeology), the IW wastewater infrastructure upgrade works (Chapter 4 Biodiversity), and three other committed developments (residential and education schemes) within the town (Chapter 10 Material Assets: Traffic). In this regard, I am satisfied the EIAR has considered cumulative impacts where relevant.
- 13.8.3. The intended residential use with ancillary facilities (childcare facility, community building, public park) are permitted in principle within the applicable A2 zoning objective and guidance for this zoning. I consider the proposed development to be in compliance with the provisions of the CDP. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR, considered in this EIA, and also considered in the SEA of the CDP.

### 13.9. Reasoned Conclusion on the Significant Effects

- 13.9.1. The Board considered that the EIAR, supported by the supplementary documentation submitted with the application, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, having considered current knowledge and methods of assessment.

13.9.2. As such, having regard to the examination of environmental information outlined above, to the submissions from the observers, planning authority, and prescribed bodies, it is considered that the main likely significant effects of the proposed development on the environment are as follows:

**Population and human health** – significant positive effects arising from increased levels of economic activity, the provision of new residential homes, and creation of a new community served by ancillary community facilities including extensive areas of public open space,

**Biodiversity** – significant positive effects arising from the realignment of the Rathgory Tributary, development of a fisheries' compliant biodiversity corridor, creation of a riparian corridor, and implementation of a landscaping strategy with extensive tree, plant, and shrub planting, creating habitats and supporting flora and fauna species,

**Material assets: traffic** – significant negative effect arising from an operational phase impact adversely affecting the efficiency of the main crossroads in Ardee town (junction J1) by the design year 2039, and

**Landscape** – significant neutral effects arising from the development of the greenfield site, the construction and operation (occupation) of the proposed development (cumulatively with Phases 1-3 of the Bridgegate development) when viewed from a proximate viewpoint in the receiving area (V4 in Cherrybrook estate).

13.9.3. In conclusion, I consider that the likely significant effects arising on the environment as a consequence of the proposed development have been satisfactorily identified, described, and assessed in this EIA. I consider that the information contained in the EIAR is sufficiently up to date, complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, and is compliant with the requirements of Article 94 of the Planning and Development Regulations, 2001, as amended.

## 14.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

## 15.0 Reasons and Considerations

### 15.1. Having regard to

- a) policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- b) policies and objectives set out in the Louth County Development Plan 2021-2027,
- c) Rebuilding Ireland Action Plan for Housing and Homelessness, 2016,
- d) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021, April 2021,
- e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- f) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2022,
- g) Design Manual for Urban Roads and Streets, 2013, as updated 2019,
- h) Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- i) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- j) the nature, scale, and design of the proposed development,
- k) the availability in the area of a range of social, community, and transport infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the planning history of the site and within the area,
- n) the submissions received from observers and prescribed bodies,
- o) the report of the Chief Executive of Louth County Council, and
- p) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment,

it is considered that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of water, air, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Draft Order

### **Planning and Development Act 2000 as amended**

#### **Planning Authority: Louth County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with the plans and particulars lodged with An Bord Pleanála on the 23<sup>rd</sup> day of March 2022 by John Spain Associates on behalf of The Ardee Partnership.

#### **Proposed Development**

The proposals overlap the boundary of permitted development Reg. Ref.: 10174; ABP Ref: PL15.238053 (as amended) at the western boundary and will supersede granted development in this area which consists of 31 no. dwellings, crèche and community building and public open space.

The proposed development will consist of:

A) The construction of 272 no. residential units comprising a mix of 206 no. 2, 3 and 4 bedroom houses (all 2 storeys) including 50 no. 2-bedroom houses (Type 1), 145 no. 3-bedroom houses (Types 2, 3, 6) and 11 no. 4-bedroom houses (Types 4, 5) all with private open space and car parking, alongside 66 no. duplex units (all 3 storeys) including 17 no. 1-bedroom units (Types D5, D8), 24 no. 2-bedroom units (Types D1, D3, D6) and 25 no. 3-bedroom units (Types D2, D4, D7), all with private open space in the form of terrace at upper floor level and external garden space, with 499 sqm of communal open space serving Duplex Blocks A-B (48 no. units) (served by 2 no. bin

and bike stores [each c. 51 sqm] adjacent) at Bridgegate Avenue, providing a total residential gross floor area of c. 28,168.9 sqm;

B) A part 1, part 2 no. storey crèche (c. 484.1 sqm) and playground and a single storey community building (c. 165 sqm) located adjacent at a central community hub (with bin and bike store [c. 23 sqm]) accessed from Bridgegate Avenue served by car parking located on Bridgegate Green and Bridgegate Avenue;

C) A landscaped Public Park located in the northern part of the site extending to c. 3.6 ha accessed from the community hub and between duplex Blocks B & C at Bridgegate Avenue, with 2 no. pedestrian links to permitted public park adjoining to the west and 1 no. pedestrian footpath extending to the northern perimeter at Hale Street, with a reservation for a future link road to lands to the east facilitated in the northern section of the park;

D) Works to the Rathgory Tributary located to the south of Bridgegate Avenue comprising the realignment of the channel and regrading and reprofiling of land (as required), implementation of 2 no. vehicular crossings (including culverts and mammal passes) and the provision of a riparian corridor based around the open watercourse comprising landscaping and planting with safe access to the watercourse provided for maintenance purposes and 1 no. pedestrian and cyclist crossing;

E) A series of landscaped public open spaces provided throughout the site with Public Open Space 01 (c. 1.05 ha) and Public Open Space 2 (c. 0.43 ha) located within the linear park (including riparian corridor) adjacent to the Rathgory Tributary with Public Open Space 03 (c. 0.29 ha) centrally located in the southern part of the site; open spaces will provide a mix of hard and soft landscaping, pedestrian and cycle access (cycle lanes provided at POS 1 and POS 2) and a range of activities including fitness spaces, kickabout area, amphitheatre and nature based play areas;

F) Provision of shared surfaces, landscaped streetscapes including planting and landscaping at two neighbourhood streets in the southern part of the site, with roads provided to site boundaries to the east, south and west to facilitate possible future connections;

G) All landscaping including planting to consolidate treelines and hedgerows forming existing site boundaries with agricultural lands to the east and Cherrybrook residential development to the west and all boundary treatments;

H) Roads and access infrastructure taken from Bridgegate Avenue (permitted under Reg. Ref.: 10/174; ABP Ref: PL15.238053 [as amended]), the provision of a bus stop on the south side of Bridgegate Avenue adjacent to community hub and provision of cycle lanes at this location (continued through Public Open Space 01); a total of 480 no. car parking spaces (362 no. serving houses, 84 no. serving duplexes, 23 no. serving crèche and community building and 11 no. visitor and public open spaces), a total of 296 no. bicycle parking spaces (204 no. spaces serving duplexes [60 visitor spaces], 32 no. spaces at the community hub and 60 no. visitor spaces);

I) Provision of 2 no. ESB substations, all associated drainage and services infrastructure (surface water, foul and water supply), public lighting, SUDS drainage and works to facilitate the development.

The proposed development is located on 'A2 New Residential Phase 1' zoned lands to 'provide for new residential neighbourhoods and support community facilities' in the Louth County Development Plan 2021-2027.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development.

## **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 include any submissions and observations received by it in accordance with statutory provisions.

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

- a) policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- b) policies and objectives set out in the Louth County Development Plan 2021-2027,
- c) Rebuilding Ireland Action Plan for Housing and Homelessness, 2016,
- d) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021, April 2021,
- e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- f) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2022,
- g) Design Manual for Urban Roads and Streets, 2013, as updated 2019,
- h) Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- i) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- j) the nature, scale, and design of the proposed development,
- k) the availability in the area of a range of social, community, and transport infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the planning history of the site and within the area,
- n) the submissions received from observers and prescribed bodies,
- o) the report of the Chief Executive of Louth County Council, and

- p) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment,

it is considered that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of water, air, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the site's conservation objectives other than the Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026) which are the European sites for which there is a likelihood of significant effects.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on the Dundalk Bay SAC and Dundalk Bay 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 assessment, the Board considered, in particular, the

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) mitigation measures which are included as part of the current proposal, and
- (iii) conservation objectives for the European sites.

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 the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of Dundalk Bay SAC (site code: 000455) and Dundalk Bay SPA (site code: 004026), or any other European site, in view of the site's conservation objectives.

### **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions received from the observers, planning authority, and prescribed bodies, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation, and are incorporated into the Board's decision.

### Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered the main significant direct and indirect effects of the proposed development on the environment to be positive, neutral and negative. The significant effects are as follows:

- **Population and human health** – significant positive effects arising from increased levels of economic activity, the provision of new residential homes, and creation of a new community served by ancillary community facilities including extensive areas of public open space,
- **Biodiversity** – significant positive effects arising from the realignment of the Rathgory Tributary, development of a fisheries' compliant biodiversity corridor, creation of a riparian corridor, and implementation of a landscaping strategy with extensive tree, plant, and shrub planting, creating habitats and supporting flora and fauna species,
- **Material assets: traffic** – significant negative effect arising from an operational phase impact adversely affecting the efficiency of the main crossroads in Ardee town (junction J1) by the design year 2039, and

- **Landscape** – significant neutral effects arising from the development of the greenfield site, the construction and operation (occupation) of the proposed development (cumulatively with Phases 1-3 of the Bridgegate development) when viewed from a proximate viewpoint in the receiving area (V4 in Cherrybrook estate).

### **Conclusion on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of water, air, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conclusion on Material Contravention of the Development Plan**

The Board does not consider that the proposed development materially contravenes the following (and/ or any other) objectives and/ or policy standards in the Louth County Development Plan 2021-2027, Objective HOU 27, Table 13.3, Table 13.11, section 13.8.13, Objective NBG 17, section 8.11, Objective NBG 44, Objective NBG 57, and section 13.8.11.

## 17.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The period during which the development hereby permitted may be carried out shall be 7 years from the date of this order.</p> <p><b>Reason:</b> Having regard to the nature of the development and works involved in the realignment of the Rathgory Tributary watercourse, the Board considers it appropriate to specify a period of validity of this permission in excess of 5 years.</p>
3.	<p>Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including those set in Chapter 16: Mitigation Measures in the Environmental Impact Assessment Report and in Table 6: Mitigation Measures in the Natura Impact Statement, shall be carried out in full except where otherwise required by conditions attached to this permission.</p> <p>The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natura Impact Statement are implemented in full.</p> <p>Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline/</p>

	<p>schedule for implementation of same to the planning authority for its written agreement.</p> <p><b>Reason:</b> In the interest of protecting the environment, public health, and clarity.</p>
4.	<p>a) Prior to commencement of development, detailed design of the realigned watercourse (Rathgory Tributary) shall be submitted to and agreed in writing with Inland Fisheries Ireland (IFI) in accordance with IFI guidance contained in ‘Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters’.</p> <p>b) Prior to commencement of development, any river or stream manipulation works (bridging, culverting or otherwise) shall be submitted to and agreed in writing with IFI. The design of all instream structures shall be in accordance with IFI requirements.</p> <p>c) A natural riparian vegetation zone (10m minimum) shall be provided and maintained free from development each side of the watercourse with all planting being of native species.</p> <p>d) An undisturbed filter strip (10m minimum) shall be left along the watercourse. Protective silt fencing shall be erected to safeguard the watercourse in advance of any construction work, no ground clearance, earth moving, stockpiling or machinery movement should occur within this protected area.</p> <p><b>Reason:</b> To protect river water quality and the environment.</p>
5.	<p>The development shall be carried out in a phased manner in accordance with Site Phasing Plan: Dwg No. PA-003, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure the timely provision of amenities and infrastructure for future residents.</p>
6.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to</p>

	<p>commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>Details of the layout, height, materials, and external finishes of the front and rear screen/ boundary walls to residences, and site boundaries shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To protect the residential and the visual amenities of the area.</p>
8.	<p>Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed street/ building name(s) shall be based on the historic townlands of Mulladrillen and Rathgory, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>



	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>All recommendations in the Quality Audit Report (Road Safety Audit items in 3.4 (3.4.1-3.4.10), and Accessibility and Walkability Audit items in 4.3-4.10) are to be incorporated into the development. Prior to commencement of development, the applicant shall submit a revised Quality Audit Drawing No. ARDEE-CSC-00-XX-DR-C-1027 indicating same for the written agreement with the planning authority.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
12.	<p>The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
13.	<p>a) The car parking facilities (including a total of 480 spaces) hereby permitted shall serve the proposed development. 446 clearly identified 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.</p> <p>b) The cycle parking facilities (including a total of 296 cycle parking spaces provided by way of bicycle stores, Sheffield stands, and stands) shall serve the proposed development. 204 clearly identified cycle parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that</p>

	<p>purpose. Details of the layout, marking demarcation, and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application.</p> <p>c) 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 indicate how the designated residential car and bicycle parking spaces and other spaces within the development shall be assigned, segregated by use and how the car and bicycle parking shall be continually managed.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the commercial development, the public park, and to prevent inappropriate commuter parking.</p>
14.	<p>A minimum of 20% of communal car parking spaces should be provided with electric vehicle (EV) charging stations/ points, and ducting shall be provided for all remaining car parking 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, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
15.	<p>Prior to the occupation of Phase 1 of the development, a Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/ employees/ visitors of the development and to reduce and regulate the extent of car parking. The mobility strategy shall be prepared and</p>

	<p>implemented by the management company for applicable residential/commercial units within the development.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
17.	<p>a) The areas of public open space in the development shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the Landscape Design Rationale and associated landscape plans, unless otherwise agreed in writing with the planning authority.</p> <p>b) This landscaping work shall be undertaken in accordance with Site Phasing Plan: Dwg No. PA-003, and completed before any of the dwelling units in Phases 4, 5, and 6 are made available for occupation.</p> <p>c) A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of Phase 1 of the development. This schedule shall cover a period of at least three years and include details of the arrangements for its implementation.</p> <p>d) The areas of public open space shall be reserved and maintained for such use by the developer until such time as these are taken in charge by the local authority or management company.</p> <p><b>Reason:</b> To ensure the satisfactory development of the public open space areas, their future maintenance, and their continued use for this purpose.</p>

18.	<p>a) The communal open spaces, hard and soft landscaping, car parking areas and access ways, communal refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>The 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
20.	<p>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, including inter alia, hours of working, noise and dust management measures, traffic management strategy, surface and groundwater protection measures, and</p>

	<p>contain measures to deal with potential adverse impacts (pollution risks, invasive species control).</p> <p><b>Reason:</b> In the interest of amenities, public health, and safety.</p>
21.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
22.	<p>a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by the National Monuments Service section of the Department of Housing, Local Government and Heritage.</p> <p>b) The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a geophysical survey should be undertaken to be followed by a programme of test excavations that should be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service section of the Department of Housing, Local Government and Heritage.</p> <p>c) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the National Monuments Service section of the Department of Housing, Local Government and Heritage. Where archaeological material/ features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p>

	<p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
23.	<p>a) Prior to commencement of development, an Underwater Archaeological Impact Assessment (UAIA) shall be undertaken in order to address any potential impact to the Underwater Cultural Heritage from the development, including the proposed bridge crossings.</p> <p>b) The UAIA shall be undertaken by a suitably qualified and suitably experienced underwater archaeologist, and such an assessment shall include a desktop study and an assessment of all proposed or potential underwater impacts, as well as terrestrial impacts, if relevant (e.g. to stream banks, deposits sealed beneath areas of reclamation).</p> <p>c) Where in-water impacts are proposed the UAIA shall include a dive/wade survey assessment accompanied by a handheld metal detection survey, undertaken by a suitably licenced and experienced underwater archaeologist. A Dive Licence (Section 3 1987 National Monuments (Amendment) Act) and Detection Device consent (Section 2 1987 National Monuments (Amendment) Act) will be required for these works. The UAIA shall be licensed by the Department of Housing, Local Government and Heritage and a detailed method statement shall accompany the application.</p> <p>d) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the National Monuments Service section of the Department of Housing, Local Government and Heritage. Where archaeological materials/ features/ objects are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p> <p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>

24.	<p>a) An Operational Management Plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities for each dwelling 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.</p> <p>b) This plan shall provide for screened communal bin stores for the duplexes in Blocks A-D, and for the childcare facility and community building, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.</p> <p>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.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
25.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
26.	<p>a) The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>b) If any proposals by the developer to build over/ near or divert existing water or wastewater services subsequently occurs, the developer shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.</p>

	<p>c) All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
27.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
28.	<p>All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
29.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or</p>



	<p>other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
30.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Phillippa Joyce

Senior Planning Inspector

28<sup>th</sup> June 2023