



An
Bord
Pleanála

Inspector's Report

ABP-316379-23

Development

Demolition of existing warehouse building, construction of 40 no. residential units and the refurbishment of "Boyne Cottage", a protected structure (Ref. DB095). A Natura Impact Statement (NIS) was submitted with this application.

Location

Cord Road and North Strand Road,
Drogheda, Co. Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

22504

Applicant(s)

Curo Developments Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Sycamore Residents

Observer(s)

None

Date of Site Inspection

14th May 2024

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of the Boyne River, c. 750 north east of Drogheda town centre and c. 60m east of the railway viaduct over the Boyne River. The surrounding area is urban in nature with a mix of industrial, commercial and residential uses. To the south the site is bound by North Strand Road, to the north by Cord Road. To the east the site is bound by an apartment development 'Moorings' and to the west by warehousing building.
- 1.2. The site has a stated area of c. 0.29ha and is generally rectangular in shape. It is currently vacant and overgrown and contains Boyne Cottage, which is a protected structure and a c. 508sqm warehouse. The site is steeply sloped in a north south direction, with a level difference of c. 13m within the site. The sites northern and southern boundaries comprise a stone wall, with an existing vehicular access to the warehouse building on North Strand Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing warehouse building and the construction of 40 no. apartments in a 3-6 storey building. The works include the refurbishment and alterations to Boyne Cottage which is a protected structure, to provide a single residential dwelling and all associated site works to facilitate the development.
- 2.2. An NIS was submitted with this application.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 27 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 8th August 2022 raised some concerns regarding the proposed scheme and recommended that 14 no. items of further information be sought. These are summarised below:

1. The height of the scheme should be stepped down to ensure views of the protected structure from across the Boyne River are not obstructed.
2. Demonstrate that 30% of units are universally designed.
3. A Building Lifecycle Report.
4. Clarity on number and management of car parking spaces.
5. The reuse of the boundary rubble stone wall should be considered.
6. Demonstrate that landscaping proposals incorporate mitigation measures provided in the Bat Assessment.
7. Demonstrate how the vehicular entrance complies with the development plan requirement to have a gradient of no more than 1:50.
8. Revised the Flood Risk Assessment.
9. Demonstrate that there is adequate capacity in the surface water network to accommodate the scheme.
10. Clarify how it is intended to address the existing overhead ESB cables and associated public lighting.
11. Submit a Construction Management Plan.
12. Details of electric charging points.
13. Revised NIS
14. Revised public notices if the further information results in significant amendments to the scheme.

The planners report dated 22nd March 2023 considered that the applicant had adequately addressed all items of further information and recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Chief Fire Officer: Report dated 11th July 2022 raised no objection in principle.

Infrastructure Section: Report dated 20th July 2022 recommended that further information be sought 5 no items. These are addressed in items 7-11 of the request for further information outlined above. Report dated 15th February 2023 considered that the applicant had not adequately addressed how it is intended to deal with or diver the existing overhead ESB cables and associated public lighting. It is recommended that permission be refused. The report also recommends that a Construction Management Plan be provided.

3.3. Prescribed Bodies

Uisce Eireann: report dated 23rd June 2022 raised no objection subject to conditions.

Development Applications Unit (DAU), Department of Housing, Local Government and Heritage: Report dated 27th July 2022 recommended that due to the size and location of the site that an Archaeological Impact Assessment should be undertaken.

3.4. Third Party Observations

A submission was received from Sycamore Residents. Following the revised notices 4 no. additional submissions were received, including a submission from Sycamore Residents. The concerns raised in the submissions are similar to those outlined in the appeal below.

4.0 Relevant Planning History

Appeal Site

The planners report notes that there are 6 no. previous refusal of planning permission on the appeal site, dating back to 1987. The most recent of these refusals of permission was in 2004.

ABP. PL54.208554, Reg. Ref. 04/510146 permission was refused for the restoration and alteration to the existing Boyne Cottage (protected structure) and the construction of 13 no. apartments with underground car parking. The 2 no. reasons for refusal related to an inappropriate design response to the site and a traffic hazard.

Surrounding Sites

There are a large number of recent planning permissions for development in Drogheda. However, there are no relevant applications in the immediate vicinity of the appeal site, on the northern side of the Boyne River.

5.0 Policy Context

5.1. Louth County Development Plan 2021 - 2027

The appeal site is subject to 2 no. zoning objectives. The eastern portion of the site is zoned A1 Existing Residential with the associated land use objective *to protect and enhance the amenity and character of existing residential communities*. Section 13.21.5 of the development plan states that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.

The western portion of the site is zoned D1 Regeneration with the associated land use objective to *facilitate social, economic and physical regeneration and/or rejuvenation of an area or specific lands*. Section 13.21.16 of the development plan states that the purpose of the 'Regeneration' zoning is to encourage and facilitate opportunities for regeneration and place making. The lands or areas are strategically located within settlements and consist of vacant or under-utilised buildings or land with significant potential to stimulate the rejuvenation of an area or neighbourhood. The potential uses of the lands in these zones are specific to the location of each area or piece of land and can include residential, commercial, business, retail, employment, or community uses. The primary objective is to support regeneration, make a positive contribution to urban spaces, and improve quality of life for all.

Drogheda is identified as a Regional Growth Centre in the Settlement Hierarchy. Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.

Table 2.15 notes that Drogheda had a population of 34,199 in 2016. It is estimated that the population would increase to 41,113 by 2027, with an additional 2,447 housing units.

The following policy objectives are considered relevant.

Strategic Objective: SO 3: Direct new development in accordance with the Core and Settlement Strategies, which will provide for the sustainable development of the County for the period 2021-2027 and beyond and in accordance with the principles of compact growth, consolidation and regeneration.

Policy Objective CS 2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built-up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

Policy Objective SS 6: To support the sustainable development of the regeneration sites identified on the land use zoning map for appropriate uses compatible with the surrounding neighbourhood.

Policy Objective HOU 8 To promote the sustainable development of vacant residential and regeneration sites in all development centres in the County, as appropriate, in accordance with the requirements of the Urban Regeneration and Housing Act 2015 (as amended).

Policy Objective HOU 11: To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.

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

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

Policy Objective HOU 18: To develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas and promote new compact mixed-use urban and rural villages served by public transport and green infrastructure.

Policy Objective BHC 20 To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

Policy Objective BHC 21: The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

Policy Objective HOU 26: To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

Chapter 2 Core Strategy and Settlement Strategy, Chapter 3 Housing, Chapter 9 Built Heritage and Chapter 13 Development Management Guidelines are also considered relevant.

5.2. *Regional Spatial and Economic Strategy for the Eastern and Midland Region*

Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter-census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry. 6.2.2. The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-

sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity. The RSES also identifies key transport infrastructure investment, including the provision of electrified lines to Drogheda as part of the DART expansion programme. A Joint Urban Area Plan is to be jointly prepared by Louth and Meath County Councils (given the town lies within the functional area of these two local authorities), in collaboration with EMRA, as a priority.

5.3. **National Planning Framework**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. The NPF further emphasises the importance of Dundalk and Drogheda within Chapter 3 where it states that *“it will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure that they have the capacity to grow sustainably and secure investment as key centres on the Drogheda- Dundalk-Newry cross-border network.”*

Relevant Policy Objectives include: -

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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

5.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Architectural Heritage Guidelines for Planning Authorities, 2011

5.5. **Natural Heritage Designations**

The site is not located within or adjoining a European Site. The following European sites are located within 15km of the appeal site:

- River Boyne and River Blackwater SAC (0002299)
- Boyne Estuary SPA (0004080)
- Boyne Coast and Estuary SAC (0001957)
- River Boyne and River Blackwater SPA (0004232)
- River Nanny Estuary and Shore SPA (0004185)
- Clogher Head SAC (0001459)

5.6. EIA Screening

- 5.6.1. An Environmental Impact Assessment Screening Report was not submitted with the application. However, the applicants Planning Report notes that the scheme does not require a mandatory EIAR.
- 5.6.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
 - Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 5.6.3. The proposed development comprises the demolition of an existing warehouse building and the construction of 40 no. apartments in a 3-6 storey building and the refurbishment and alterations to Boyne Cottage (protected structure), to provide a single residential dwelling on a site with a stated gross area of c. 0.29ha. The site is located in the urban area (other parts of a built-up area) and is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Louth County Council, upon which its effects would be marginal.

- 5.6.4. Given the information submitted by the applicant, having carried out a site visit on the 14th May 2024 and to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from Sycamore Residents and includes a copy of the 2 no. submissions to the planning authority. The main planning grounds of the third-party appeal are summarised below:

Principle of Development

- Permission was previously refused on the appeal site and the previous reasons for refusal still apply.

Transportation and Car Parking

- Inadequate provision of car parking would result in overspill onto the surrounding road network. Unclear how overspill car parking would be managed.
- The scheme does not comply with the criteria set out in the apartment guidelines for reduced car parking provision.
- Inadequate and hazardous parking to serve Boyne Cottage.
- Vehicular access is unacceptable. Permission was previously refused due to public safety and traffic hazard.
- Narrow footpaths are not suitable for increased use generated by the proposed scheme.
- Greenhills Road and Cord Road are not suitable for construction traffic and would endanger pedestrian safety.

- There are no cycle lanes in the area.
- No consideration of the cumulative impact of schemes in the area on traffic congestion in Drogheda.

Design Approach

- The proposed density is excessive having regard to the character of surrounding developments. The density is not compliant with the Sustainable Residential Development Guidelines.
- The proposed height is excessive and does not respect the existing heights in the area or related guidelines.
- The Drogheda Docklands LAP allow for a maximum of 4 storeys in height.
- Inadequate consideration of the visual impact the proposals on the railway viaduct. It is a requirement of the LAP to recognise and respect the integrity of the viaduct as a historical monument and landmark.
- A smaller development in character and density in line with existing properties and a sympathetic restoration of the protected structure may receive fewer objections.
- Insufficient residential amenities and play spaces for the increased population.

Built Heritage

- The scheme does not respect the curtilage or character of Boyne Cottage. It is unclear if An Taisce were consulted.
- The scheme would have an overbearing impact on Boyne Cottage which would negatively impact its character and setting.
- The walled garden and curtilage which include a footpath and steps with a gated access to North Strang Road would be lost.
- The loss of the historic stone boundary walls of the cottage would negatively impact on the setting of the protected structure.

Residential Amenity

- The construction phase would cause disruption to local residents.

Flood Risk

- The site is located within a flood zone. Flood projections predict higher fluvial and coastal flooding in the area. Photographs of flooding on North Strand Road in March 2023 have been submitted with the appeal.

6.2. Applicant Response

The applicant's response includes a separate response from Waterman Moylan Consulting Engineers addressing car parking and flood risk. The response is summarised below.

Principle of Development

- The proposed scheme is compliant with national, regional and local policy.
- The Drogheda Borough Local Area Plan was superseded by the current development plan.
- The Drogheda Docklands LAP is no longer a statutory document. However, the current development plan notes that it is a useful guidance document.
- In order to achieve the population targets outlined in the core strategy of the development plan the development of urban regeneration lands and infill sites within the built-up footprint is promoted.
- Residential uses are permitted / open for consideration on the appeal site.
- This is a long standing vacant and under-utilised site. The scheme would deliver a unique and attractive development.
- The previous proposals on the appeal site were assessed under the 1999 Development Plan. The scale and density of the proposed scheme is similar however the architectural and conservation approach is opposed to what was previously applied for. The proposed scheme respects the character and setting of Boyne Cottage and its defined private garden. The scheme is modern and does not attempt to replicate the cottage design or historic architecture.

Transportation and Car Parking

- It is proposed to provide 20 no. space to serve 38 no. residential units, or 0.52 spaces per unit. Given the infill nature of this site and its urban location in close proximity to services, amenities and public transport the car parking provision is considered to be in accordance with the provisions of the apartment guidelines and the development plan for central and accessible locations.
- A Car Parking Strategy, which was submitted by way of further information, would be put in place to manage car parking. The scheme would also be privately managed.
- Issues of illegal parking on the surrounding road network are noted. However, enforcement is the responsibility of Louth County Council.
- The access is designed in accordance with the requirements of DMURS.
- The proposal would improve the existing access arrangements to the existing warehouse and sheds on the site.

Design Approach

- The report of the planning authority is noted and referenced.
- In accordance with development plan standards and national guidelines a minimum density of 50 units per ha are appropriate for this site. Density is assessed on a case-by-case basis based on quality of design and amenity standards achieved and not a numerical standard.
- The proposed density of 130 units per ha was arrived at following a detailed design process and was not the starting point for the scheme.
- The area comprises a mix of uses from different eras and densities are expected to be lower.
- The scheme has a maximum height of 6-storeys, however, due to the topography of the site, it appears as a 2-storey development from Cord Road.
- The height is similar to the adjacent Maltings development and would not negatively impact on the setting or views of the viaduct.

- The height and density do not conflict with the non-statutory Drogheda Docklands Area Plan.
- The height, density and visual impact of the scheme are appropriate.

Residential Amenity

- The proposed scheme would not negatively impact on any existing residential amenities in terms of overlooking or overshadowing.

Built Heritage

- The report of the planning authority is noted and referenced.
- The curtilage of the protected structure does not extend to the large majority of the site. It has a clearly defined garden and boundary, which enclose the house.
- To reduce the impact on the protected structure the height of the scheme was reduced, and the stone wall was reused as part of the scheme submitted by way of further information.
- Prescribed bodies were consulted as part of the planning process.
- The proposed scheme ensures that the character and setting of the protected structure is respected.

Flood Risk

- The scheme is designed in accordance with the provisions of the Flood Risk Guidelines.
- The recent flooding is noted. This was a national storm event.
- The site itself did not actually flood. There was ponding on the public road outside the appeal site.
- The proposed scheme would remove unrestricted flows from the appeal site to the public road, which will improve the existing situation.
- The anticipated water level for a 1: 1000 year tidal event is 3.75m, which is 800mm below the lowest floor level.

- The car park would be 250mm above the 1:1000 year tidal event. It is proposed to provide mitigation measures such as a flood barrier at the entrance to the car park.

6.3. **Planning Authority Response**

The planning authority's response that the proposed development, subject to conditions, would constitute an acceptable residential development at this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of its relationship with the River Boyne and the viaduct and would be acceptable in terms of pedestrian and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area. It is requested that the Board uphold the decision of the planning authority.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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

- Principle of Development
- Quantum of Development
- Design Approach

- Residential Amenity
- Built Heritage
- Transportation and Car Parking
- Flood Risk
- Archaeology

7.2. ***Principle of Development***

- 7.2.1. The appeal site is subject to 2 no. zoning objectives. In general, the eastern portion of the site, which contains the protected structure is zoned A1 Existing Residential with the associated land use objective *to protect and enhance the amenity and character of existing residential communities*. The western portion of the site, which contains the warehousing building to be demolished, is zoned D1 Regeneration with the associated land use objective *to facilitate social, economic and physical regeneration and/or rejuvenation of an area or specific lands*. Residential uses are permitted in principle on lands zoned A1 and D1. Therefore, the proposed development is considered to be in accordance with the sites zoning objectives.
- 7.2.2. Drogheda is identified as a Regional Growth Centre in the Settlement Hierarchy. Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area. Table 2.15 notes that Drogheda had a population of 34,199 in 2016. It is estimated that the population would increase to 41,113 by 2027, with an additional 2,447 housing units. The proposed scheme is in accordance with the provisions of the core strategy.
- 7.2.3. Concerns are raised by the third parties that the previous reasons for refusal on the appeal site are still valid and permission should be refused on these grounds. It is noted that permission was refused in 2005 (ABP. PL54.208554, Reg. Ref. 04/510146) for the restoration and alteration to the existing Boyne Cottage (protected structure) and the construction of 13 no. apartments with underground car parking. The 2 no. reasons for refusal related to an inappropriate design response to the site and a traffic hazard. The previous scheme was assessed the scheme against the provisions of the Louth County Development Plan 1999 - 2005, which was the relevant statutory plan

in place when the application was decided. The current development plan was adopted in April 2023 and my assessment below is based on the policies and objectives of the current statutory plan, which is the Fingal County Development Plan 2023-2029.

7.3. *Quantum of Development*

- 7.3.1. Concerns are raised by the third parties that the proposed density is excessive having regard to the character of surrounding developments and does not comply with the Sustainable Residential Development Guidelines.
- 7.3.2. The proposed development comprises the construction of 38 no. apartments and the refurbishment of a protected structure on a 0.29ha site. Therefore, the scheme has a density of c. 137 units per ha. It is noted that the applicants and the planning authority's calculation of 130 units per ha excludes the protected structure from the calculation. The development plan does not set out density ranges, however, Policy Objective HOU 15 aims to promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.
- 7.3.3. The Sustainable Residential Development Guidelines were superseded by the Sustainable Residential Development and Compact Settlement Guidelines in 2024. It is acknowledged that these guidelines were published subsequent to the lodging of the appeal. Table 3.4 of the Sustainable Residential Development and Compact Settlement Guidelines sets out density range of 50-150 dwellings per ha (net) for the centre and urban neighbourhood of Regional Growth Centres. Drogheda is identified as a regional growth centre in the RSES and the settlement strategy of the development plan. Therefore, this density range is considered applicable. The guidelines define the centre and urban neighbourhoods category as the area including the town centre and immediately surrounding neighbourhoods and also strategic and sustainable development locations that are within the existing built-up footprint. I am satisfied that the proposed density is in accordance with the provisions of the guidelines.

- 7.3.4. Objectives 4, 13, 33 and 35 of the National Planning Framework, and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. Section 4.5: Regional Growth Centres of the RSES states that growth of these towns (Athlone, Drogheda and Dundalk) will realise a more consolidated urban form that will optimise the use of existing and planned services by increasing population and employment density in a sustainable fashion. The Strategy sets out a strategic development framework for their future growth to allow them to reach sufficient scale to be drivers of regional growth.
- 7.3.5. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2023 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations.
- 7.3.6. It is acknowledged that the proposed density is significantly higher than the surrounding residential developments. However, given the site's urban location and proximity to employment locations, services and amenities and public transport in the form of train and bus, it is my opinion that the proposed scale of the development complies with national, regional and local guidance and, therefore, this site is suitable for higher density. In addition, it is my view that the redevelopment of the site is welcomed as it would consolidate the urban environment. It is also noted that the planning authority raised no objection in principle to the proposed density.

7.4. ***Design Approach***

- 7.4.1. The appeal site currently comprises brownfield lands in the urban area. The site is vacant and overgrown. In general, the eastern portion of the site contains Boyne Cottage, a derelict protected structure and the western portion of the site contains a former warehouse building. The surrounding area is urban, with a mix of commercial, residential and industrial uses within the vicinity of the site. The site incorporates an unregistered linear plot of land at the site's southern boundary with North Strand Road, this area is excluded from the scheme and would be retained as open space.

- 7.4.2. In the interest of clarity this assessment relates to the proposed development submitted my way of further information and comprising the construction of 38 no. apartments and the refurbishment of Boyne Cottage, which is a protected structure. The works also include the demolition of an existing warehouse building an excavation and removal of soil to facilitate the development. In my opinion the proposed development comprises 2 no. distinct elements, in this regard the apartment development and the refurbishment of the protected structure. The works to and the impact on the protected structure are addressed below in section 7.5 Built Heritage. This section of the report focuses on the proposed apartment development.
- 7.4.3. The demolition works include the removal of the existing warehouse structure and foundations, the removal of a significant portion of the existing wall along the site's northern boundary with Cord Road and the removal of a retaining wall at the site's southern boundary with North Strand Road. The warehouse building has a stated area of c. 508sqm and sits at the site's southern boundary with North Strand Road. It does not contain any features of architectural merit and is in a state of disrepair. I have no objection to the demolition of this building to facilitate the proposed scheme.
- 7.4.4. The information submitted with the application indicates that the retaining wall at the sites southern boundary is in poor condition and failing structurally. It is noted that the sections of historic stone wall to be removed would be reused in the front, ground floor elevation of the proposed apartment building. I have no objection in principle to the demolition of the walls. It is noted that no concerns regarding its demolition were raised by the planning authority.
- 7.4.5. Although not specifically addressed in the submitted documentation it is noted that due to the topography of the site is it proposed to level a significant portion of the site to provide the apartment building, while the levels of the protected structure would be retained.
- 7.4.6. Concerns are raised by the third party that the proposed scheme is out of character with the area. The proposed 3-6 storey apartment building is generally rectangular in shape, with a 75m frontage onto North Strand Road and Cord Road and generally sits at the site's boundaries. The ground floor level would accommodate 3 no. apartments, 20 no. car parking spaces, 119 no. bicycle parking spaces, bin storage, post boxes, bulky storage area, a reception office, a concierge / manager's office and a storage

room and circulation areas with associated stairs and a lift. The remaining 35 no apartments are proposed at first to fifth floor level. Communal open space is provided at first floor level, over the car parking area. The scheme also incorporates 2 no. on-street car parking spaces on Cord Road which is it envisioned would accommodate car sharing vehicles and a loading bay on North Strand Road. Vehicular and pedestrian are proposed from North Strand Road with an additional pedestrian access from Cord Road.

- 7.4.7. The unit mix comprises 14 no.1-beds and 24 no. 2-beds. Having regard to the prevalence of traditional housing estates in Drogheda the proposed unit mix is considered to be in accordance with Policy Objective HOU 26 *to require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.*
- 7.4.8. The Schedule of Accommodation indicates that each apartment unit reaches or exceeds the minimum standards for room sizes as set out in the Apartment Guidelines (2023). However, it is noted that 3 no. apartments (units 3, 4 and 12) do not reach the recommended 6sqm storage area. It is noted that 16 no. bulky storage units are proposed at ground floor level. Section 3.33 of the Apartment Guidelines allows for ground floor or basement level storage outside of the residential unit to satisfy up to half of the minimum storage requirement for individual apartment units. Therefore, the proposed storage provision is considered acceptable and in accordance with the provisions of the Apartment Guidelines.
- 7.4.9. The schedule also notes that 21 no. (55%) of the apartments are dual aspect. This is significantly above the 33% standard set out in SPPR4 of the Apartment Guidelines. It is noted that all single aspect units are south facing. I have no objection to the ratio of dual aspect units.
- 7.4.10. The proposed external material is predominantly red brick with render elements. The ground floor level at the sites southern elevation with North Strand Road would be finished in the re-used historic stone from the sites existing southern boundary wall. The reuse of the stone wall, which is a prominent feature on North Strand Road is welcomed. It is noted that render is provided on some elements of the building, however, the applicant notes that this is located in easily accessible areas around the

balconies and could be easily maintained. I am satisfied that the external material have been given adequate consideration by the applicant and would result in a high quality finish. However, to ensure a high-quality finish it is recommended a condition be attached to any grant of permission that final details of all external material be agreed with the planning authority.

- 7.4.11. The Apartment Guidelines set out a standard of 5sqm of communal open space per 1-bed apartment and 7sqm per 2-bed apartment (4-person). The scheme comprises 14 no.1-beds and 24 no. 2-beds. Therefore, there is a requirement for 259sqm of communal open space. The scheme incorporates 365sqm of communal open space at first floor level, above the car park area, and therefore exceeds the quantum of communal open space required in the Apartment Guidelines. The development plan does not set out a specific quantum of communal open space for apartment developments.
- 7.4.12. Section 13.8.15 of the development plan notes that 15% of the total site area shall normally be provided as public open space. It notes that a reduction in public open space may be acceptable. The proposed scheme does not include any public open space provision. Due to the flexibility of the wording of the development plan and as the requirement for public open space does not relate to a policy objective, I am satisfied that it is not a material contravention of the development plan. It is also noted that the planning authority and third party raised no concerns in this regard. It is also my view that having regard to proximity of the appeal site to the River Boyne, there is available public open space within the immediate vicinity of the appeal site.
- 7.4.13. The third party raised concerns that insufficient residential amenities and play spaces for the increased population are provided. As the proposed scheme is not intended as a Built to Rent scheme there is no requirement to provide internal residential amenity space and as the scheme is below 50 no. residential units there is no requirement in the development plan to provide a dedicated play space for children. The proposed site is located on a zoned and serviced site within the urban area of Drogheda, with associated services and amenities of this Regional Growth Centre. I am satisfied that the proposed scheme would generate a significant demand on services in the town.
- 7.4.14. The proposed scheme has a stepped approach to height, ranging in height from 3 - 6 storeys. Concerns are raised by the third parties that the proposed height is excessive

and does not respect the existing heights in the area and does not comply with the provisions of the Drogheda Docklands LAP, which allows for a maximum of 4-storeys in height. The north Drogheda Docklands Local Area Plan was superseded by the current development plan and is, therefore, no longer a statutory document. It is also noted that the eastern portion of the site, which is zoned residential, is not within the boundary of the former LAP. The development plan does not set out height limits. However, Policy Objective HOU 16 aims to support increased building heights in appropriate locations in the Regional Growth Centres of Drogheda and Dundalk.

- 7.4.15. Due to the significant level differences within the site the scheme would appear as 2-storey's when viewed from the site's northern boundary with Cord Road, which is in keeping with the predominate height on Cord Road. The roof of the building is c. 750mm above the ridge of Boyne Cottage, with a similar height of existing apartment development at The Moorings to the east of the appeal site. The 3-storey element of the development sits to the south of Boyne Cottage. The proposed layout ensures that, ground and first floor level, views of the protected structure are retained across the River Boyne and towards the viaduct. While it is noted that this is not a protected view, the retention of the view is a welcome design feature. The height of the building steps up to 4-storeys and then to 6-storeys at its western boundary. The application includes photomontages and CGI's of the proposed scheme and it is acknowledged that the apartment scheme would be highly visible when viewed from the North Strand Road.
- 7.4.16. It is acknowledged that the 6-storey height of proposed development is taller than other buildings on North Strand Road, however, due to the topography of the site, it has a similar ridge height as The Moorings to the east of site. The use of different materials, balcony position and variation in height breaks up the massing of the building and provides a vertical emphasis, which is considered an appropriate design response.
- 7.4.17. It is my view this site is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape given the current vacant nature of the site. I am also satisfied that the proposed scheme represents a high-quality contemporary development which provides a clear distinction from the protected structure and is a reasonable response to its context.

- 7.4.18. In conclusion, I have no objection in principle to the proposed design, layout or height of the scheme and consider that the form, massing and height of the block and results in a high quality and coherent urban scheme. It is also considered that this development results in wider planning benefits, such as the delivery of housing and the redevelopment of an underutilised brownfield urban site and the consolidation of the urban environment, which is welcomed.

7.5. ***Residential Amenity***

Overlooking and Overbearing Impact

- 7.5.1. The appeal site is bound to the north by Cord Road, to the south by North Strand Road, to the west by a warehouse building and to the east by the 3-storey apartment development 'The Moorings'. Therefore, the only potential impact to residential amenity relates to the adjacent The Moorings apartment development and to Boyne Cottage.
- 7.5.2. The 3-storey element of the proposed scheme is located a minimum of c. 1.5m from the site's eastern boundary and c. 4.2m from the western elevation of The Moorings. The building line of the proposed scheme is set forward of building line of The Moorings and only directly opposes the existing apartment building for c. 4m. Having regard to the similar height of the apartment buildings, and to the design, layout and orientation of the scheme, I am satisfied that the proposed scheme would not result in an overbearing impact on the existing apartment development. It is noted that all windows on the eastern elevation of the proposed development are secondary windows and would be fitted with opaque glazing. Therefore, the proposed development would not result in any undue overlooking of The Moorings.
- 7.5.3. The 3-storey element of the proposed scheme is located c. 11.5m south of the protected structure. However, due to the level difference within the site there are no directly opposing windows. The 6-storey element of the proposed scheme is located c. 10 m from the eastern elevation of the protected structure. Due to the elevation differences within the site the proposed scheme would appear as 2-storeys in height and has a similar ridge height to the protected structure. Having regard to the similar height of the apartment buildings, and to the design, layout and orientation of the scheme, I am satisfied that the proposed scheme would not result in an overbearing impact on the existing apartment development. It is noted that all windows on the

eastern elevation of the proposed development are secondary windows and would be fitted with opaque glazing. Therefore, the proposed development would not result in any undue overlooking of Boyne Cottage.

Daylight, Sunlight and Overshadowing

- 7.5.4. No specific concerns were raised by the third-party regarding daylight, sunlight or overshadowing and the development plan does not specifically require the submission of a Daylight and Sunlight Assessment, however, Policy HOU 30 encourages *building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice.*
- 7.5.5. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- 7.5.6. The Apartments Guidelines, 2023 also state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.
- 7.5.7. The applicant submitted a Daylight and Sunlight Assessment based on the standards in the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice - BR 209 (2011).

Internal Daylight, Sunlight and Overshadowing

- 7.5.8. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The applicant has applied a 1% target for the bedrooms and a 2% target for the communal Kitchen / Living / Dining Rooms.
- 7.5.9. Section 5.4 of the applicant's report indicates that the scheme has an 100% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight.
- 7.5.10. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Figures 12 and 13 of the applicant's report demonstrates that the area of communal open space serving the apartments and the private open space serving Boyne Cottage would exceed the BRE recommended target.

External Daylight, Sunlight and Overshadowing

- 7.5.11. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The analysis provided in Section 5.2 of the applicant's report indicates that the proposed development would have no material impact on the VSC for these existing buildings and that all values are in excess of BRE standards.
- 7.5.12. I agree with the applicant's assessment that there is no evident garden / amenity space associated with The Moorings. The area to the north of the apartment is in use as a

car park and the area to the south is steeply sloping and therefore does not require an analysis.

- 7.5.13. The potential impact of the proposed development on access to daylight and sunlight for Boyne Cottage was not carried out. Section 3.3 of the applicants report notes that the protected structure would be remodelled and refurbished as part of the development and given its vacant and derelict nature it was not considered necessary. This is considered reasonable. Having regard to the separation distances, to the design, height and orientation of the apartment building and the analysis of sunlight available to the private amenity space I am satisfied that the impact on Boyne Cottage would be negligible.

Conclusion

- 7.5.14. Overall, I am satisfied that the proposed scheme and associated open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants. It is also noted that the planning authority raised no concerns regarding undue overlooking, overshadowing or overbearing impact.

Construction Phase

The third party also raised concerns that the construction phase would cause disruption to local residents. It is acknowledged that the construction phase is likely to cause some noise and disruption to local residents. However, given the temporary nature of the works on this urban site it is considered acceptable.

7.6. Built Heritage

- 7.6.1. The appeal site contains 'Boyne Cottage' which is a protected structure (Ref. DB-095). The protected structure is located directly adjacent to Cord Road on the north-eastern portion of the site. The record of protected structures describes the building as a c. 1840 Gothic style, with decorative eaves. The protected structure is also listed on the NIAH, with a Regional Rating. The NIAH notes that the building comprises a detached three bay, 2-storey house built in 1860 and though no longer in use it continues to play an important role in the built heritage of Drogheda.

- 7.6.2. The applicant's Conservation Report indicates that Boyne Cottage has undergone a number of changes and extensions throughout the years. The Architectural Heritage Protection Guidelines state that additions to structures contribute to the historical development of a building, and as such should be respected. The house is currently in very poor condition. The roof is leaking, the timber floors are partially collapsed due to water ingress and decay and there has been fire damage internally. During my site visit on the 14th May 2024 it was noted that the site is heavily overgrown, which obscures views of the building from Cord Road. The protected structure is not visible from North Strand Road. I agree with the assessment of the Conservation Report that the building is in danger of being lost, therefore, the refurbishment of this building to provide a single-family dwelling house is welcomed and considered an appropriate use. The Conservation Report notes that all works to the protected structure would be carried out in accordance with best practice conservation standards and method statement would be prepared. It is noted that no concerns were raised by the third parties or the planning authority regarding the refurbishment of the building.
- 7.6.3. Concerns were raised by the third party that the scheme does not respect the curtilage or character of Boyne Cottage. In the interest of clarity, it would appear from the historic mapping the western portion of the site, that current accommodates the warehouse building and is zoned for regeneration uses, never formed part of the site of the protected structure. The proposed site layout retains an enclosed garden to the south of the house. The garden area reflects the form of the original garden as outlined on the historic mapping (1870) provided in the applicants Conservation Report. It is acknowledged that Boyne Cottage was set in a larger landholding, however, given the topography of the site and the available historical mapping I am satisfied that the larger landholding was never formally landscaped does not form part of the curtilage or the attendant grounds of the house. In addition, given the overgrown nature of the site, it currently does not contribute to the setting of the protected structure. Overall, I am satisfied that the proposed layout respects the curtilage of the protected structure.
- 7.6.4. Concerns are also raised by the third parties regarding the loss of historic steps between the protected structure and North Strand Road. The stepped access no longer exists, however, there is a blocked-up doorway on North Strand Road. It is noted that the steps did not form part of the original house and first appeared on the

1908 ordnance survey map. The applicant's Conservation Report notes that due to the steep slope within the site, the access from North Strand Road was unlikely to have ever formed the main approach to the house. I am satisfied that the stepped approach to the protected structure from North Strand Road did not form an integral part of the protected structure and there is no requirement to replace this non original feature within the scheme. The layout includes a new pedestrian access at the location of the previous stepped access on North Strand Road. However, due to the proposed level difference between the apartment development and the protected structure access is not proposed between the North Strand Road and the protected structure.

- 7.6.5. Concerns are also raised by the third party regarding the loss of the historic stone boundary walls of the protected structure, which it is considered would negatively impact on the setting of the protected structure. The Conservation Report notes the wall at the boundary with the protected structure would be retained, with minor alterations to the existing gateway and garage to allow for their re-opening. The existing wall is a 20th century structure and does not involve the removal of any original fabric. Therefore, I am satisfied that the alterations to the wall would not impact on the character of setting of protected structure.
- 7.6.6. The boundary wall on Cord Road, which relates to the western portion of the site, away from the protected structure primarily comprises a concrete wall, however, there are elements of the original historic stone wall. The works to facilitate the development and the set back of the boundary wall to provide 2 no. on street car parking spaces involves the removal of modern walling only. It is not intended to remove any original fabric from the site boundary with Cord Road.
- 7.6.7. The boundary wall on North Strand Road includes c. 17m of uncoursed rubble stone. The remainder of the wall is generally concrete with a small section of course limestone. There is also a blocked-up doorway, which provided stepped access between the protected structure and North Strand Road. The structural report submitted with the application notes that this boundary wall is in poor condition and in danger of collapse. As noted above, it is proposed to remove the wall to facilitate the proposed scheme and incorporate the rubble stone into the ground floor front elevation of the apartment building. Given the condition of the wall this is considered acceptable, and the re-use of the stone is welcomed.

- 7.6.8. It is my view that the refurbishment of the protected structure, with its associated private garden is welcome. I am satisfied that the proposed scheme would not negatively impact on the curtilage of the protected structure, or any special features that contribute to its special character and that the proposed scheme would be in accordance with the provisions and Policy Objective BHC 21 to ensure that *the form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.*
- 7.6.9. As noted above, I am satisfied that the proposed scheme would not result in an overbearing, overlooking or overshadowing impact on the protected structure. It is noted that the building height the apartment scheme was set down on the southern portion of the site to ensure views to and from the River Boyne and the viaduct are retained. It is acknowledged that the apartment development would be visible from the protected structure, however, I am satisfied that it would not negatively impact on its character or setting and would be in accordance with the provisions of Policy Objective BHC 20 *to ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.*
- 7.6.10. Concerns were raised by the third party that An Taisce were not consulted regarding the proposed scheme. The documentation on file shows that prescribed bodies were consulted regarding the proposed scheme and no submissions were received from An Taisce or the DAU in this regard.
- 7.6.11. The appeal site is also located c. 60m east of the Drogheda railway viaduct, which is a protected structure (Ref. DB-184). It is also listed on the NIAH (ref. 13620012). It is described as a 12 arch limestone railway bridge of national importance. The record of protected structures notes that the Boyne Valley viaduct dominates Drogheda.
- 7.6.12. Concerns are raised by the third party that the applicant gave inadequate consideration of the visual impact the proposals on the viaduct and that it is a requirement of the LAP to recognise and respect the integrity of the viaduct as a historical monument and landmark. As noted above, the north Drogheda Docklands

Local Area Plan was superseded by the current development plan and is, therefore, no longer a statutory document. It is also noted that the eastern portion of the site, which is zoned residential, is not within the boundary of the former LAP. The current development plan protects views (VP 57) of the railway viaduct from the town centre, the bridges along the Boyne and the Termonfeckin Road from the west. I am satisfied that the proposed development would not impede any of these views.

7.6.13. The viaduct is a piece of industrial architecture in the urban environment. I agree with the assessment of the applicants Conservation Report that the proposed scheme would be consistent with the setting of the viaduct, and I am satisfied that it would not adversely affect the setting or the integrity of this protected structure.

7.6.14. In conclusion, it is noted that the third party have raised a number of concerns regarding the potential negative impact that the proposed development would have on both Boyne Cottage and the viaduct. In my view the proposed scheme responds well to its context and is of an appropriate scale and height for this urban location would not negatively impact on the character or setting of either of the protected structures. The refurbishment and reuse of Boyne Cottage is also welcomed. It is noted that the planning authority and prescribed bodies raised no concerns regarding any potential impact to any protected structure.

7.7. *Transportation and Car Parking*

7.7.1. The appeal site is located within the established urban area c. 750m north-east of Drogheda town centre. The site is connected to the town centre by continuous footpaths. Concerns are raised by the third party regarding the narrow width of the footpaths and consider that they are not suitable for increased use generated by the proposed scheme. It is noted that the footpaths along both Cord Road and North Strand Road, towards the town centre, narrow to c. 1.2m in some sections. The proposed scheme comprises 38 no. residential units and has an additional pedestrian access onto Cord Road. I am satisfied that this use would not result in significant increase in pedestrian movement along either street. While the narrow width of the footpath in some instances is noted, I am satisfied that due to the relatively limited number of additional pedestrian movement that would be generated by the scheme and the provision of a continuous footpath towards the town centre that the proposed scheme would not endanger public safety.

- 7.7.2. The third party also raised concerns regarding inadequate and hazardous parking to serve Boyne Cottage. It is proposed to re-open a former garage door opening on Cord Road to provide vehicular access to the protected structure. The opening is c. 2.8m in width. This is a standard width for a driveway and having regard to the protected status of Boyne Cottage it is not considered appropriate as it allows for the reinstatement of a previous vehicular and a separate pedestrian access. The layout provides for 1 no. off-street car parking space. The car parking space has a length of c. 5m and again is considered adequate to accommodate a standard car.
- 7.7.3. Third parties also raised concerns regarding the lack of cycle lanes in the area. The lack of cycle lanes is acknowledged, however, as North Strand Road is over 7m in width and Cord Road is c. 6m in width I am satisfied that there is sufficient space to accommodate cyclists and vehicular traffic.
- 7.7.4. It is proposed to provide a 6m wide vehicular access from North Strand Road. It is noted that there was a previous vehicular access to the warehouse building from North Strand Road. concerns are raised by the third party that the proposed vehicular access is unacceptable and notes that permission was previously refused due to public safety and traffic hazard. The proposed sightline drawing indicates minimum 45m sightlines in both directions. Swept path drawing have also been submitted indicating how a standard vehicle would access and egress the site. It is envisioned that all servicing and deliveries would occur from the proposed loading bay on North Strand Road. The applicant's response to the appeal notes that the access is designed in accordance with the requirements of DMURS. From the information submitted I am satisfied that the proposed access from North Strand Road would not endanger public safety by reason of a traffic hazard.
- 7.7.5. The third party raised concerns that there was no consideration of the cumulative impact of recent grants of permission on traffic congestion in Drogheda. In accordance with the thresholds set out in Traffic and Transport Assessment Guidelines published by TII, I am satisfied that due to the nature and scale of the proposed development there is no requirement to carry out a Traffic Assessment. The concerns of the third parties are noted, however, I am satisfied that the traffic potentially generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network. It's noted that no concerns were raised by the planning authority in this regard.

- 7.7.6. Concerns are raised by the third party that there is inadequate provision of car parking which would result in overspill onto the surrounding road network. Table 13.11 of the development plan sets out car parking standards for a variety of uses. It is a requirement of the plan to provide 1 no. car parking space per apartment in Area 1, which relates to areas in town and settlement centres. Therefore, the scheme would generate a requirement for 38 no. spaces. It is proposed to provide 20 no. car parking spaces, which is below the recommended standard. Section 13.16.12 of the development plan notes that a reduction in these standards may be acceptable, subject to a number of criteria including, availability of car parking on the surrounding road network, dual use of spaces, public transport, central location or the previous use on the site.
- 7.7.7. Having regard to the nature of the scheme, the site's urban location within close proximity (750m) of the town centre, its proximity to a variety of public transport modes, including rail and bus, I am satisfied that the provision of 20 no. spaces is acceptable in this instance and complies with the criteria set out in the Section 13.16.12 of the development plan. It is noted that there are double yellow lines located immediately adjacent to the site on both North Strand Road and Cord Road. There is no on-street parking on North Strand Road and there is restricted / pay and display parking on Cord Road, c. 90m west of the appeal site.
- 7.7.8. Section 4.21 of the Apartments Guidelines (2023) states that in central and / or accessible locations, larger scale and higher density developments, comprising wholly of apartments that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. It is noted that the third party does not consider the scheme to comply with the criteria set out in the apartment guidelines for reduced car parking provision, however, in my opinion the subject site is a highly accessible site and, therefore, a reduction in car parking is applicable.
- 7.7.9. A Car Parking Strategy, which was submitted by way of further information, notes that car parking spaces on site would be solely reserved for future occupants and that spaces would be managed and monitored by the management company. It is also envisioned that 2 no. car sharing spaces would be provided on Cord Road. I am satisfied that sufficient car parking is provided within the site to serve the proposed

use and should overspill car parking become an issue it could be managed by the planning authority through the introduction of more restrictive measures on the surrounding public road.

- 7.7.10. The third party already raised safety concerns regarding construction traffic on Greenhills Road and Cord Road. A Traffic Management Plan was submitted with the application which notes that all construction related traffic would be directed via North Strand Road with no site access from Cord Road. I am satisfied that construction traffic has been well considered by the applicant and would not endanger public safety.

7.8. Flood Risk

- 7.8.1. Third party raised concerns regarding the site's location in a flood zone. The appeal includes photographs of flooding on North Strand Road in March 2023. The applicant's response to the appeal notes the recent flood event, which it states was a national storm event. During this event the site itself did not actually flood, however, there was ponding on the public road outside the appeal site.
- 7.8.2. The Louth County Strategic Flood Risk Assessment Maps indicate that the western portion of appeal site is located in Flood Zone A. There are significant level differences within the site and the remaining portion of the site is not considered to be at risk. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones.
- 7.8.3. The Louth Strategic Flood Risk Assessment notes that Drogheda sits at the mouth of the River Boyne, discharging into the Irish Sea. There is partial flooding in these areas and the principle of avoidance should be implemented to avoid flood risk areas.
- 7.8.4. A Flood Risk Assessment (FRA) was submitted with the appeal and identifies the following potential sources of flooding: -
- 7.8.5. Tidal / Coastal Flooding: The site is located c. 6km from the Irish Sea, however, it is c. 35m from the River Boyne which is under tidal influence. The south-west portion of the subject site is identified as being in Flood Zone A, and at risk from tidal flooding. The CFRAM tidal flood mapping indicates a 0.5% AEP (1:200 year flood event) of 3.5m

OD and a 0.1% AEP (1:1000 year flood event) of 3.7m OD, within the south west portion of the site.

- 7.8.6. The southwest portion of the appeal site currently accommodates the warehouse building. It is proposed to retain this 3.5m OD finished floor level and utilise the ground floor level for undercroft car parking. The car park area would be c. 250mm below the 1:1000 year tidal event. The finished floor level of the ground floor level of the ground floor apartments is 4.55m OD, which is c. 800mm above the 0.1% AEP.
- 7.8.7. The likelihood of tidal flooding within the site is classified as high.
- 7.8.8. *Fluvial Flooding:* As noted above, the appeal site is located c. 35m north of the River Boyne. The CFRAM fluvial flood mapping indicates a 0.1% AEP (1:1000 year flood event) of 3.3m OD, within the south west portion of the site. The applicants FRA states that this would result in the car parking area being affected. However, as the car parking area has a finished floor level of 3.5m OD, this would be c. 200mm above the 0.1% AEP. I am, therefore, satisfied that the site is not at risk from fluvial flooding. However, it is noted that North Strand Road, directly adjacent to the site has a level of 2.9m OD and therefore is at risk of fluvial flooding in the 10% AEP level of 3.0m, the 1% AEP level of 3.1m and the 0.1% AEP level of 3.3m.
- 7.8.9. *Pluvial Flooding:* There are no recorded instances of pluvial flooding within the site. There are 2 no. recorded flood events in close proximity to the appeal site. In this regard an event c. 100m east due to heavy rainfall and the high level of the River Boyne which prevented surface water from discharging. This event is referenced in the third party appeal. A second event is indicated at relating to the overflow of the River Boyne. Details of the flood events are indicated in figure 6 of the applicants FRA.
- 7.8.10. Surface water flooding can occur as a result of overland flow or ponding during periods of prolonged rainfall. The proposed drainage infrastructure, which includes SuDS and attenuation measures, can store water for the 1:100 year storm event plus a 20% allowance for climate change. The ground floor level also falls away from the subject site to route any run-off away from the development. The site is not considered to be at risk from pluvial flooding.

- 7.8.11. *Existing Infrastructure*: The site is not considered to be at risk from flooding from existing drainage or watermain infrastructure.
- 7.8.12. *Groundwater Flooding*: The site is not considered to be at risk from groundwater flooding and no basement levels are proposed as part of the development.
- 7.8.13. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the ‘vulnerability of different types of development’. The proposed development is residential in nature and, therefore, classified as ‘Highly Vulnerable Development’. In my opinion a Justification Test is required in accordance with the guidelines.
- 7.8.14. Section 7 of the applicants FRA addresses the Justification Test however the report does not address each of the criteria set out in Box 5.1 of the guidelines. In my opinion it is considered appropriate to address each of the criteria.

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*

The site is subject to 2 no. zoning objectives. In general, the eastern portion of the site is zoned A1 Existing Residential and the western portion of the site is zoned D1 Regeneration.

Policy Objective IU 27 aims to ensure all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” 2009.

I am satisfied that the proposed development is in accordance with criteria 1.

2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*

- (i) *The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*

- 7.8.15. The applicant’s response to the appeal notes that the proposed scheme would remove unrestricted surface water run off from the appeal site to the public road, which will improve the existing situation on North Strand Road.

7.8.16. It is my opinion that the proposed development would not increase the risk of flooding elsewhere. I am satisfied that the proposed development is in accordance with criteria 2(i).

(i) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

The finished floor level of the ground floor level apartments is 4.55m OD, which is c. 800mm above the 0.1% AEP tidal flood event in the Boyne River. The car park area would be c. 250mm below the 0.1% AEP tidal event. In response to the appeal the applicant notes that to reduce the risk to property it is proposed to provide mitigation measures such as a flood barrier at the entrance to the car park. I am satisfied that the proposed development is in accordance with criteria 2(ii).

(i) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

As noted above, the finished floor level of the ground floor level apartments is 4.55m OD, which is c. 800mm above the 0.1% AEP tidal flood event in the Boyne River. The car park area would be c. 250mm below the 0.1% AEP tidal event and a flood barrier is proposed at the entrance to the car park. Site levels are designed to that overland flows are direct away from the site.

In the event of a flood event on North Strand Road occupants of the scheme could access and egress the site via the pedestrian access on Cord Road which is significantly elevated, c. 16m OD.

It is my view that adequate measures have been provided as part of the development to ensure that residual risks to the area and the development can be managed to an acceptable level and that the proposed development is in accordance with criteria 2(iii).

- (i) *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes*

The proposed development is located on zoned and adequately serviced land and is contiguous to existing residential developments in Drogheda. It is my opinion that the proposed development contributes to the wider objective of consolidating the urban environment and incorporates high quality urban design which would support and enhance the development of the area. The proposed application is considered to be in accordance with criteria 2(iv).

- 7.8.17. It is my opinion that the proposed development satisfies each of the criteria set out in the justification test, in this regard the residential use is proposed on lands zoned for residential uses and contributes to the wider objective of consolidating the urban environment. The scheme has also been subject to a site-specific FRA. The FRA includes a number of flood mitigation measures, in particular it is noted that the finished floor levels of the development would be raised above the estimated 1 in 1,000-year flood level and a flood barrier is proposed to protect the car parking area.
- 7.8.18. The concerns of the third party are noted, however, having regard to the information submitted I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is noted that no concerns regarding a flood risk were raised by the planning authority.

7.9. **Archaeology**

- 7.9.1. The submission from the DAU recommended that due to the size and location of the site that an Archaeological Impact Assessment should be undertaken. The appeal site is located outside the Zone of Archaeological Interest as outlined on the Drogheda Composite Map. Given the relatively small size (0.29ha) and the brownfield nature of the site it is my opinion that an Archaeological Impact Assessment and archaeological monitoring is unwarranted in this instance.

8.0 AA Screening

8.1. *Description of the project*

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. My assessment below relates to the updated NIS submitted by way of further information.
- 8.1.2. The subject site is located in the urban area on a c. 0.26 ha site. The following designated sites are considered to be within the zone of influence of the appeal site:
- River Boyne and River Blackwater SAC (0002299), c. 35m south of the appeal site
 - Boyne Estuary SPA (0004080), c. 725m east of the appeal site.
 - Boyne Coast and Estuary SAC (0001957) 2km east of the appeal site.
 - River Boyne and River Blackwater SPA (0004232), c. 4km west of the appeal site.
 - River Nanny Estuary and Shore SPA (0004185), c. 7km south-east of the appeal site.
 - Clogher Head SAC (0001459), c. 10km north-east of the appeal site.
- 8.1.3. A description of the project is summarised in Section 2 of my report. In summary, the proposed development, as revised by way of further information, comprises the demolition of the existing warehouse and the construction of 38 no. apartments and the refurbishments of Boyne Cottage (protected structure). The surrounding area is urban in nature with a variety of uses, including residential, commercial and industrial uses. The site is serviced by public water supply and foul drainage networks. The development site is located in a heavily urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.
- 8.1.4. No concerns were raised by the third parties, prescribed bodies or the planning authority with regarding to appropriate assessment.

8.2. *Consideration of the Impacts*

- 8.2.1. *Habitat Loss:* The development site is not located within a designated site. Therefore, it would not result in temporary loss, disturbance or disruption of habitat.
- 8.2.2. *Surface Water Pollution:* There are no drains or watercourses within the site. However, given the steep topography of the site and the proximity (c. 50m) to the River Boyne Estuary, there is a potential hydrological connection via surface water during the construction and operational phase. Therefore, there is potential for effects upon the River Boyne and Blackwater SAC, and further downstream the Boyne Estuary and Coast SAC and SPA relating to discharges, which in the absence of mitigation measures, have the potential to cause a release of suspended solids and hydrocarbons into the hydrologically connected River Boyne, and cause indirect effects on the water dependant species and habitats of the designated sites through a reduction in water quality.
- 8.2.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note that the proposal would not generate any demands on the existing municipal sewers for surface water.
- 8.2.4. *Foul Water Pollution:* Connection to the public wastewater infrastructure should be subject to agreement with Uisce Eireann. It is noted that the report from Uisce Eireann raised no objection subject to conditions.
- 8.2.5. *Groundwater Pollution:* There are no excavation works proposed and no effects on groundwater are expected.
- 8.2.6. *Noise:* There is potential for disruption to bird species due to construction noise and activities, the most significant source of noise will be generated by the excavators and the piling that will be required.

- 8.2.7. *Human Disturbance:* The appeal site is located within the existing urban area with artificial lighting and human activity. I am satisfied that the proposed development would not result in the disturbance or displacement of any qualifying interested due to increased human activity.
- 8.2.8. *Ex-Situ Sites:* The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds can be excluded due to the separation distances between the European sites and the proposed development site and the absence of relevant qualifying interests in the vicinity of the works.
- 8.2.9. Due to the separation distances, the nature of the qualifying interests of sites and the lack of hydrological connections I agree with the applicant that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater SPA (0004232), the River Nanny Estuary and Shore SPA (0004185) and Clogher Head SAC (0001459) can be screened out from further assessment.
- 8.2.10. I concur with the applicant that further assessment is required for the River Boyne and River Blackwater SAC (0002299), the Boyne Estuary SPA (0004080) and Boyne Coast and Estuary SAC (0001957). It is considered that the proposed development could result in likely significant effects in relation to: -
- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase from the proposed development site to these designated sites, which has the potential to impact relevant qualifying interests.

8.3. *Screening Determination*

- 8.3.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites (the River Boyne and River Blackwater SAC (0002299), the Boyne Estuary SPA (0004080) and Boyne Coast and Estuary SAC

(0001957)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

- 8.3.2. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites (the River Boyne and River Blackwater SPA (0004232), the River Nanny Estuary and Shore SPA (0004185) and Clogher Head SAC (0001459)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not, therefore, required.

8.4. *Natura Impact Assessment*

- 8.4.1. Section 4.2 of the NIS provides a site synopsis for each of the designated sites including site specific conservation objectives and assessment of the potential significant effects.
- 8.4.2. Tables 1 – 3 below summarise the appropriate assessment and integrity test for each of the designated sites provides. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites available through the NPWS website (www.npws.ie). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. This allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.
- 8.4.3. *River Boyne and River Blackwater SAC (0002299)* is located c. 35m south of the appeal site. This site comprises most of the freshwater element of the River Boyne from upriver of the Boyne Aqueduct at Drogheda, the Blackwater River as far as Lough Ramor and the principal Boyne tributaries, notably the Deel, Stoneyford and Tremblestown Rivers. This system drains a considerable area of Counties Meath and Westmeath and smaller areas of Cavan and Louth. The rivers flow through a

landscape dominated by intensive agriculture. Much of the river channels were subject to arterial drainage schemes in the past. Natural flood-plains now exist along only limited stretches of river. Along some parts, notably between Drogheda and Slane, are stands of tall, mature mixed woodland. Substantial areas of improved grassland and arable land are included in site for water quality reasons.

- 8.4.4. Alkaline Fen and Alluvial Forests habitats are considered to be outside of the zone of influence of the proposed development.
- 8.4.5. Salmon occur throughout the Boyne and Blackwater system and are very sensitive to changes in water quality and increases in sedimentation. Potential effects on this species cannot be ruled out. In the absence of mitigation, an accidental pollution event during construction and / or operation of a sufficient magnitude could impact the salmon populations. Such impacts could result in a reduction in fish numbers, at least temporarily, with an increased risk of a population level effect if a pollution event were to occur in conjunction with fish migrating upstream from the sea to spawning.
- 8.4.6. The otter occurs throughout the Boyne and Blackwater system. Impacts that reduce the quality, or cause disturbance to, their terrestrial or aquatic habitats are likely to negatively affect the species. The appeal site does not contain suitable habitat for the otter, however, indirect effects upon this species cannot be ruled out.
- 8.4.7. Lamprey are unlikely to spawn in the vicinity of the appeal site, however, this species requires clean gravels, fine sediments and free upstream migration to complete their life cycle. Therefore, general impacts upon migrating lamprey in the river cannot be ruled out.
- 8.4.8. *Boyne Estuary SPA (0004080)*: is located c. 725m east of the appeal site. The sites conservation objective is to maintain or restore the favourable conservation status of habitats and species of community interest. This is a moderately-sized coastal site situated west of Drogheda on the border of Counties Louth and Meath. The site comprises most of the estuary of the Boyne River, which is a substantial river which drains a large catchment. The site is of considerable ornithological importance for wintering waterfowl.

- 8.4.9. Bird species, which are qualifying interest of the SPA could potentially be negatively impacted by a deterioration in water quality in this SPA arising from pollution in the River Boyne and Estuary during run-off from the construction and operation of the proposed development site and / or from construction related noise.
- 8.4.10. *Boyne Coast and Estuary SAC (0001957)*: is located c. 2km east of the appeal site. The sites conservation objective is to maintain or restore the favourable conservation status of habitats and species of community interest. This is a coastal site which includes most of the tidal sections of the River Boyne, intertidal sand- and mudflats, saltmarshes, marginal grassland, and the stretch of coast from Bettystown to Termonfeckin that includes the Mornington and Baltray sand dune systems. The site is of considerable conservation interest as a coastal complex that supports good examples of eight habitats that are listed on Annex I.
- 8.4.11. Water quality is not an attribute of any of the qualifying interests of the SAC and no targets are set around the maintenance of water quality in the SAC. Therefore, the proposed development would not negatively impact on the qualifying interests.
- 8.4.12. In combination effects are addressed in Section 4.3 of the applicants NIS. I am satisfied that there would be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

Table 1: River Boyne and River Blackwater SAC (0002299)

Key issues that could give rise to adverse effects includes: -

- Impact on Water Quality

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest.

Summary of Appropriate Assessment

Qualifying Interest feature	Conservation Objective	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Alkaline fens [7230]	To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC.	Discharges – activities associated with	See Section 5 of the NIS. Mitigation Measures include:	No effects	Yes
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> in River Boyne and River Blackwater SAC.	construction and operation may result in the release of sediment, chemical or other	Adherence to best practices methodologies during the construction phase. All site preparation and construction works shall conform to any relevant guidelines within the document <i>Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitats during Construction and Development Works and River Sites</i>	No effects	Yes
				No effects	Yes

Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River Lamprey (Lampetra fluviatilis) in River Boyne and River Blackwater SAC.	waste material pollution.	Consultation with Inland Fisheries Ireland All construction waste must be removed from site by a registered contractor to a registered site.	No effects	Yes
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Atlantic Salmon (Salmo salar) in River Boyne and River Blackwater SAC.		Run-off from the construction areas shall be intercepted and managed through a series of treatment stages, that may include suitably designed settlement ponds / filter channels along with other pollution control methods such as the use of a silt fence along the site boundary at North Strand Road	No effects	Yes
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of Otter (Lutra lutra) in River Boyne and River Blackwater SAC.		Best practice concrete / aggregate management measures. Best practice hydrocarbon / fluid management measures Implementation of the Construction and Demolition Waste Management Plan. surface water would be treated via serviced sediment and oil interceptor traps, prior to discharge into the local drainage network. No protective measures are required to prevent negative impacts from the foul network.	No effects	Yes

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 2: Boyne Estuary SPA (0004080)

Key issues that could give rise to adverse effects includes: -

- Impact on Water Quality
- Disturbance to QI's from construction related activities.

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest.

Summary of Appropriate Assessment

Qualifying Interest feature	Conservation Objective	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition of Shelduck in Boyne Estuary SPA,	Discharges – activities associated with	See Section 5 of the NIS. Mitigation Measures include:	No effects	Yes

Oystercatcher (Haematopus ostralegus) [A130]	To maintain the favourable conservation condition of Oystercatcher in Boyne Estuary SPA	construction and operation may result in the release of sediment, chemical or other waste material pollution. Noise Disturbance	Adherence to best practices methodologies during the construction phase.	No effects	Yes
Golden Plover (Pluvialis apricaria) [A140]	To maintain the favourable conservation condition of Golden Plover in Boyne Estuary SPA		All site preparation and construction works shall conform to any relevant guidelines within the document <i>Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitats during Construction and Development Works and River Sites</i>	No effects	Yes
Grey Plover (Pluvialis squatarola) [A141]	To maintain the favourable conservation condition of Grey Plover in Boyne Estuary SPA.		Consultation with Inland Fisheries Ireland All construction waste must be removed from site by a registered contractor to a registered site.	No effects	Yes
Lapwing (Vanellus vanellus) [A142]	To maintain the favourable conservation condition of Lapwing in Boyne Estuary SPA.		Run-off from the construction areas shall be intercepted and managed through a series of treatment stages, that may include suitably designed settlement ponds / filter channels along with other pollution control methods such as the use of a silt fence along the site boundary at North Strand Road	No effects	Yes
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of Knot in Boyne Estuary SPA.		Best practice concrete / aggregate management measures.	No effects	Yes
Sanderling (Calidris alba) [A144]	To maintain the favourable conservation condition of Sanderling in Boyne Estuary SPA.			No effects	Yes

Black-tailed Godwit (Limosa limosa) [A156]	To maintain the favourable conservation condition of Black-tailed Godwit in Boyne Estuary SPA.		<p>Best practice hydrocarbon / fluid management measures</p> <p>Implementation of the Construction and Demolition Waste Management Plan.</p> <p>Compliance with the relevant Irish regulations in relation to noise and vibration requirements</p> <p>Site management will ensure that each item of plant and equipment complies with the noise limits quoted in the relevant European Commission Directive 2000/14/EC</p> <p>Surface water would be treated via serviced sediment and oil interceptor traps, prior to discharge into the local drainage network.</p> <p>No protective measures are required to prevent negative impacts from the foul network.</p>	No effects	Yes
Redshank (Tringa totanus) [A162]	To maintain the favourable conservation condition of Redshank in Boyne Estuary SPA.			No effects	Yes
Turnstone (Arenaria interpres) [A169]	To maintain the favourable conservation condition of Turnstone in Boyne Estuary SPA.			No effects	Yes
Little Tern (Sterna albifrons) [A195]	To maintain the favourable conservation condition of Little Tern in Boyne Estuary SPA.			No effects	Yes
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in Boyne Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.			No effects	Yes

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 3: Boyne Coast and Estuary SAC (0001957)

Key issues that could give rise to adverse effects includes: -

- Impact on Water Quality

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest.

Summary of Appropriate Assessment

Qualifying Interest feature	Conservation Objective	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries in Boyne Coast and Estuary SAC.	Discharges – activities associated with construction and operation may result in the release of	See Section 5 of the NIS. Mitigation Measures include: Adherence to best practices methodologies during the construction phase.	No effects	Yes
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low			No effects	Yes

	tide in Boyne Coast and Estuary SAC.	sediment, chemical. or other waste material pollution.	<p>All site preparation and construction works shall conform to any relevant guidelines within the document <i>Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitats during Construction and Development Works and River Sites</i></p> <p>Consultation with Inland Fisheries Ireland</p> <p>All construction waste must be removed from site by a registered contractor to a registered site.</p> <p>Run-off from the construction areas shall be intercepted and managed through a series of treatment stages, that may include suitably designed settlement ponds / filter channels along with other pollution control methods such as the use of a silt fence along the site boundary at North Strand Road</p> <p>Best practice concrete / aggregate management measures.</p> <p>Best practice hydrocarbon / fluid management measures</p> <p>Implementation of the Construction and Demolition Waste Management Plan.</p>		
Annual vegetation of drift lines [1210]				No effects	Yes
Salicornia and other annuals colonising mud and sand [1310]	To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Boyne Coast and Estuary SAC.			No effects	Yes
Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	To maintain the favourable conservation condition of Atlantic salt meadows (Glauco- Puccinellietalia) in Boyne Coast and Estuary SAC.			No effects	Yes
Embryonic shifting dunes [2110]	To restore the favourable conservation condition of Embryonic shifting dunes in Boyne Coast and Estuary SAC.			No effects	Yes
Shifting dunes along the shoreline with Ammophila	To restore the favourable conservation condition of Shifting dunes along the			No effects	Yes

arenaria (white dunes) [2120]	shoreline with Ammophila arenaria (white dunes) in Boyne Coast and Estuary SAC.		Surface water would be treated via serviced sediment and oil interceptor traps, prior to discharge into the local drainage network.		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes) in Boyne Coast and Estuary SAC.		No protective measures are required to prevent negative impacts from the foul network.	No effects	Yes

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

8.4.13. It is noted that the mitigation measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. However, in the event that the pollution control and surface water treatment measures were not implemented or failed it is my opinion that there is potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run-off and therefore, these standard practices are considered to be mitigation measures in the context of Appropriate Assessment.

8.5. ***Appropriate Assessment Conclusion***

8.5.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).

8.5.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Boyne and River Blackwater SAC (0002299), the Boyne Estuary SPA (0004080) and Boyne Coast and Estuary SAC (0001957). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.5.3. 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 any European site, in view of the site's Conservation Objectives.

8.5.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the River Boyne and River Blackwater SAC (0002299), the Boyne Estuary SPA (0004080) and Boyne Coast and Estuary SAC (0001957)

- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (0002299), the Boyne Estuary SPA (0004080) and Boyne Coast and Estuary SAC (0001957).

8.5.5. It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

9.0 Recommendation

It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objectives of the subject site, its location within an existing urban area of Drogheda and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage, traffic safety and flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of February 2023, 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 and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Assessment and Site-Specific Flood Risk Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

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

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

Reason: In the interests of amenity and public safety.

5. The scheme shall be landscaped in accordance with the landscape scheme submitted unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the substantial completion of the external construction works. All planting shall be adequately protected from damage until established.

Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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

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

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

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

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

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

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

Reason: In the interests of visual and residential amenity.

10. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

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

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

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

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

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record.

The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of public safety and residential amenity.

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

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

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

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

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other

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

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

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Elaine Power

Senior Planning Inspector

20th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	316379-23		
Proposed Development Summary	Demolition of existing warehouse building, construction of 40 no. residential units and the refurbishment of "Boyne Cottage", a protected structure (Ref. DB095). A Natura Impact Statement (NIS) was submitted with this application.		
Development Address	Cord Road and North Strand Road, Drogheda, Co. Louth.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required

Yes		<p>10 (b)(i): Construction of more than 500 dwelling units</p> <p>10 (b)(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.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	The proposed scheme falls below the applicable thresholds.	Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	316379-23		
Development Summary	Demolition of existing warehouse building, construction of 40 no. residential units and the refurbishment of "Boyne Cottage", a protected structure (Ref. DB095). A Natura Impact Statement (NIS) was submitted with this application.		
Examination			
			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No

There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	
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Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects.