



An
Bord
Pleanála

Inspector's Report

ABP-318400-23

Development	Construction of 43 dwelling units, 46 car parking spaces and vehicular access together with associated site works.
Location	Termon Abbey, Newfoundwell Road, Drogheda, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	23/60015
Applicant(s)	Patrick Nomayo and Evelyn Nomayo.
Type of Application	Permission.
Planning Authority Decision	Grant Permission (12 no. conditions)
Type of Appeal	Third Party
Appellant(s)	Chrisopher Raymond.
Observer(s)	None.
Date of Site Inspection	11 th October 2024.
Inspector	Ciarán Daly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Louth County Development Plan	8
5.2. Regional Strategy.....	9
5.3. National Policy	10
5.4. Planning Guidelines	10
5.5. Natural Heritage Designations	10
5.6. EIA Screening	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Applicant Response	13
6.3. Planning Authority Response	13
6.4. Observations	13
7.0 Assessment	13
8.0 AA Screening.....	24
9.0 Recommendation.....	32

10.0	Reasons and Considerations	32
11.0	Conditions	33
Appendix 1 – Form 1: EIA Pre-Screening		
Appendix 2 – Form 2: EIA Preliminary Screening		

1.0 Site Location and Description

- 1.1. The subject corner site consists of a part triangular shaped green area with mature and semi-mature trees scattered across the area of a raised bank. The site rises away from the adjacent roads from all three sides and is somewhat overgrown with various bushes, trees, long grass and other plants. The site is fronted by two distributor roads to the south-east (Newfoundwell Road (the R166)) and south-west (the Termon Abbey development access road) and is bounded by Beechwood Drive to the north which is part of a housing estate of two storey semi-detached dwellings. There is an open space area adjacent to the north-west which serves this estate.
- 1.2. Across the Termon Abbey Road from the site to the south-west there is a housing estate of predominantly two storey dwellings (An Rian and Beaulieu View) and further along this road to the north-west there is a residential development currently under construction. To the south and south-east of the site, across the R166 road, there is an open space area associated with the adjacent two storey housing estate and there is a large flat roof two storey height commercial print building located within landscaped grounds.
- 1.3. The site is located within the built up urban area of Drogheda to the north of the River Boyne and is c.1.5km north-east of Drogheda town centre.

2.0 Proposed Development

- 2.1. The proposed development seeks planning permission for:
- 43 no. dwelling units comprising 20 no. one bedroom apartments, 20 no. two bedroom duplexes and three no. three bedroom terraced units within 5 no. blocks ranging in height from two to three storeys.
 - 46 no. communal car parking spaces.
 - Vehicular, pedestrian and cycle access from Termon Abbey Road.
 - New pedestrian and cycle lanes along Termon Abbey Road and Newfoundwell Road.

- Provision of a left turning lane on Termon Abbey Road and upgrade of the junction of this road where it meets the Newfoundwell Road.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council decided to Grant Permission subject to 12 no. conditions. This followed a decision to request further information.

3.1.1. Conditions

Notable conditions include the following:

- Condition no. 2: the requirement for a Section 47 agreement that restricts all residential units to first occupation by individual purchasers. To note, there is no basis to apply this to apartments/duplexes in the Development Plan.
- Condition no. 7: requirements for a revised landscape plan showing mature trees along the northern boundary of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Louth County Council Planner's Reports form the basis of the decision. The first report assessment of the scheme found the principle of the development acceptable having regard to the zoning and extant permission on the site. No significant issues were noted in relation to the layout, form and density of the development and it was recommended that further information be requested in relation to the following 3 no. items: (1) a Building Lifecycle Report; (2) detailed site layout showing footpath and cycle path provision to standard, area of land to accommodate ghost islands and technical drainage details and (3) revised public notices if the further information is deemed significant.

Following receipt of Significant Further Information, the second Planner's Report noted that the responses of the applicant were acceptable in relation to the long term running and maintenance cost, in relation to infrastructure standards for roads, cycle

paths and drainage; and in relation to concerns of the local community where some design changes were made including: 6 visitor parking spaces were added, some internal apartment layouts were changed and a balcony was re-oriented and two access steps to Beechwood Drive were removed.

3.2.2. Other Technical Reports

- Placemaking and Physical Development: Further Information requested in relation to foot and cycle paths, turning movements and storm water design. 2nd report: No objection subject to conditions.
- Housing Section: Agreement in principle letter issued to Applicants.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

A total of 37 no. third party observations were received. The issues raised within the observations are generally reflected in the grounds of appeal and also include the following:

- Concerns in relation to emergency vehicle access to residences.
- The plans do not adequately show the relationship with Beechwood Drive.
- A large area of open space for play will be removed.
- There will be inadequate amenities within the proposed development with poor distribution of open space.
- Who will maintain the scheme?
- Devaluation of property will result.
- The changes to the original plans are minimal and not adequate.

4.0 Planning History

4.1. Appeal Site

18/687: Permission granted by the Planning Authority for 15 houses.

4.2. Site Surrounds

23/60271: Termonfeckin Road, Drogheda (adjacent (east) of Beechwood Drive):

Permission granted by the Planning Authority for demolition of existing dwelling and construction of 6 no. two storey town houses, 4 no. two bed ground floor apartments and 4 no. three Bed Duplex dwellings over the apartments.

21/412: Termon Abbey Road, Drogheda (c.250m north-west of subject site):

Permission granted by the Planning Authority for 33 two to three storey houses.

Currently under construction.

18/939: Beaulieu Village, Drogheda (c.300m north/north-east of subject site adjacent to Chestnut Grove): Phase 3 will consist of part modification to 58 dwellings as part of approved scheme site plan and change of house types under permission ABP Ref. PL15.230807 (Planning Ref. 08/1).

09/566: Newtownstalaban, Termonfeckin Road, Drogheda (c.300m north-east of subject site): Permission refused by the Planning Authority and refused on appeal (ABP ref. PL 15.236481) for demolition of two single storey semi-detached dwellings and construction of 2 and 3 storey retail / residential block.

Refusal reason no. 1 related to retail development undermining the viability of the nearby commercial centre. Refusal reason no. 2 related to the scale, design and form being inappropriate for the edge of town location and piecemeal development.

08/52: Dunlin Street, Aston Village, Termonfeckin Road, Drogheda (c.600m north of subject site): Permission granted by the Planning Authority for a new two storey primary school building.

99/973: Beechwood Drive and Beechwood Close, Newtownstalaban, Drogheda:

Permission granted by the Planning Authority for 100 no. houses.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027 (as varied) (the CDP)

It is noted that under variation no. 2 of the CDP, the Compact Settlement Guidelines have been incorporated into the Development Plan. Under the CDP, Drogheda is identified as a level 1 Regional Growth Centre for the County.

Residential is listed as a “generally permitted use” under the zoning objective for the site which is ‘A1 Existing Residential’ under the CDP which is “*To protect and enhance the amenity and character of existing residential communities*”. The CDP states: “*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 core strategy for the county is set out in Chapter 2 and this includes Strategic Policy Objective CS 2 which seeks to provide compact growth through the delivery of at least 30% of all new homes in urban areas by developing infill and brownfield sites. SPO CS 3 relates to supporting the sustainable development of settlements in a planned manner. SPO CS 10 relates to the consolidation of future population growth in the Regional Growth Centres.

Chapter 3 relates to housing and includes policy on densities, building height and urban design. Chapter 7 relates to transportation and infrastructure. Chapter 13 includes Development Management Guidelines including for housing in urban areas (Section 13.8), density, site coverage, building heights, layout, residential amenity, daylight and sunlight, landscaping, unit size and mix, open space, parking, apartments (13.8.27) and infill development (13.8.32).

Table 13.3 provides recommended density and plot ratios with the minimum density for this edge of settlement location being 35 units per hectare. Per Section 13.8.15 public open space in a range of 10 to 15% of net site area shall be provided. Table

13.11 includes the car parking standards which in Area 3 (intermediate location) is a 2 spaces per unit (maximum only for duplexes). Table 13.12 provides the Cycle Parking Standards (1 long term space per unit and 1 visitor space per 5 units).

The southern edge of the North Environs Masterplan, as described in Table 13.1, is located adjacent to the subject site to its north.

5.2. Regional Strategy

Under the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES), Drogheda is identified as a Regional Growth Centre. It was noted as the fastest growing town in the most recent inter census period. Drogheda is targeted for growth as a regional driver as part of the Dublin-Belfast Economic Corridor. A population target of 50,000 by 2031 is envisaged through town centre regeneration, compact growth of the hinterland and expansion of its role as a strategic employment centre. The RSES envisages, as a priority, the preparation of a Joint Urban Area Plan for Drogheda by Louth and Meath County Councils (currently at pre-draft stage) as part of the south of the town lies within the functional area of county Meath.

5.3. National Policy

The National Planning Framework (NPF) – Project Ireland 2040 sets out a range of objectives to achieve increased residential densities in appropriate locations and to support the creation of high quality urban places while improving quality of life and place. The NPF further emphasises the importance of 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 11: *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- 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. Planning Guidelines

The following section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines);
- Sustainable Urban Housing: Design Standards for New Apartments (2022) (the Apartment Guidelines);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- Design Manual for Urban Roads and Streets (DMURS) (2019).

The following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (Department of Transport, 2023);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

5.5. Natural Heritage Designations

The site is not located within or adjoining a European Site. In relation to designated conservation sites, the subject site is located:

- c.0.72km north of the River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299),
- c.0.87km north of the Boyne Estuary Special Protection Area (SPA) (site code 004080),
- c.1.3km north-west of the Boyne Estuary SPA (site code 004080),
- c.1.45km north-west of the Boyne Coast and Estuary Proposed Natural Heritage Area (PNHA) (site code 001957),
- c.1.5m north-west of the Boyne Coast and Estuary SAC (site code 001957),
- c. 3.9k west of the Boyne River Islands PNHA (site code 001862),
- c. 4.4 km west of the River Boyne and River Blackwater SPA (site code 004232),
- c. 6km from the North-West Irish Sea SPA (site code 004236),
- c. 6.1km west of the Dowth Wetland PNHA (site code 001861),
- c. 6.5km south of the Blackhall Woods PNHA (site code 001293).

5.6. EIA Screening

See Forms 1 and 2 appended to this report. The proposed residential development is located within an urban area on zoned and serviced land. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received from Christopher Raymond of 3 Dunlin Street, Aston Village, Drogheda, Co Louth. The grounds of appeal can be summarised as follows:

- The development is out of keeping with the character of the area due to the scale of the five blocks which does not positively contribute to the area.

Having regard to precedent, refusal under reg. ref. 09566, the decision suggests bias.

- The balcony changes and addition of trees are only cosmetic and the development will overlook nearby houses including An Rian, Beechwood Drive and cause reduced sunlight including by the addition of the trees.
- The development is contrary to the objectives of the Development Plan with respect to movement and transportation.
- The development will negatively impact traffic in the area where the port access route (PANCR) has not been completed. The area is very congested with two secondary schools, 500 houses, two creches, a shopping and medical centre and one road with limited access. A second access to the estates is required to facilitate further development. Issues with the traffic survey periods and assessment are noted.
- The development may impact on the bat population. Conditions are required to protect the bat population of the area and with regard to hedgerow removal.
- The water infrastructure cannot support the development as demonstrated by the Irish Water pre-connection enquiry,
- The development is contrary to the Design Manual for Urban Roads and Streets with inadequate priority for pedestrians and cyclin and further safety measures required,
- Noise and air pollution should be reduced via the inclusion of a line of trees on the verge of roads,
- Safety issues cited in relation to the creation of a foot traffic opening at the end of Beechwood Drive onto Newtown Road,
- The development does not provide enough car parking spaces and parking will on the main road will result.
- The PANCR is nowhere near linking up Termon Abbey or Aston Village and there is no access to a train station.
- Supporting documents submitted including a letter submitted from a Local Councillor.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- No further comments following review of the appeal documents.

6.4. Observations

- None.

7.0 Assessment

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

- Principle of Development
- Standard of Development Proposed
- Visual Amenity
- Residential Amenity
- Transportation Issues
- Car Parking
- Ecology
- Water and Drainage Infrastructure
- Other Matters

7.2. Principle of Development

- 7.2.1. The zoning objective for the site which is '*A1 Existing Residential*' under the CDP which is "*To protect and enhance the amenity and character of existing residential communities*". Residential is listed as a '*generally permitted use*' under this zoning objective. Therefore, the proposed use is considered to be in compliance with the A1 zoning objective. It is also noted that the planning authority raised no concerns regarding the principle of the development.

7.3. Standard of Development Proposed

Density

- 7.3.1. The proposal is for 43 residential units on a site area of 1.2ha. and would result in a gross density of 36 units per hectare (uph) or on a net basis, 45 uph. Noting Section 13.8.4 (Density and Plot Ratio) of the CDP and Table 13.3 which incorporates the Compact Settlement Guidelines, the recommended minimum density for a location in a regional growth centre such as Drogheda outside of the town centre is 35 uph. I consider the proposed density of 45 to be consistent with the principles of compact development for such an infill urban site, where apartments are suitable within an existing built up area, and I have no significant concerns in relation to same.

Apartment Standards

- 7.3.2. Section 13.8.27 (Apartments) and Section 13.8.28 (Design Standards for New Apartments) of the CDP relate to internal floor area and unit mix standards. The proposal is for 20 no. one bedroom units, 20 no. two bedroom units and three no. three bedroom units. Noting the submitted floor plans and Architectural Design Statement including the Tabulated Housing Quality Assessment, I note no significant concerns in relation to the minimum internal standards for apartments, private open space, communal open space (included in the public open space provision below and the minimum requirement for which is 267sq.m. per Appendix 1 of the Apartment Guidelines), unit mix or dual aspect standards in the CDP and which meet the standards of the Apartment Guidelines including SPPR1 (unit mix) and the

pattern of development in the surrounding area comprising predominantly three and four housing units.

Separation Distances

- 7.3.3. Having regard to Section 13.8.9.1 (privacy), a minimum separation distance of 16m is required between opposing first floor windows and this is comfortably exceeded between the blocks with the scheme, and housing in the adjoining development, with no significant concerns arising.

Open Space

- 7.3.4. Having regard to Section 13.8.15 (Public Open Space) of the CDP wherein quality open space of 10 to 15% of the net site area is required, there would be four main areas of public open space provided within the scheme in addition to some other open spaces which is generally not considered to be high quality useable open space, such as the linear areas adjacent to the public road to the south-west. The quality open space provided includes a play area and picnic area in close proximity to the buildings and with passive surveillance. I also note the provision of a green buffer to the north and along the roads with selected tree planting. It should be noted that these areas do not include the adjacent area of public open space to the north-west beside Beechwood Drive and Cherrywood Drive.
- 7.3.5. An attenuation area is proposed inside the northern area of the site opposite nos 10 to 13 Beechwood Drive in part of the green/landscaped open space area to the north. It is noted that there is no restriction on public open space being located over/in attenuation areas and I note that following F.I. stage, the Placemaking and Physical Development Department had no objection to the development subject to conditions. This approach to public open space where accessible for active/passive recreation over attenuation areas would also be consistent with Appendix A of the Compact Settlement Guidelines. I agree with the Planner's Report assessment that the total area of quality useable public open space is c. 2,247sq.m (23% of developable area of the site) (see Proposed Site Plan submitted at F.I. stage) which I consider to be in excess of the quantitative standard (including communal open

space requirement) and to be of sufficient quality for a residential scheme of this nature while noting that the CDP does not include separate communal open space standards.

7.4. Visual Amenity

- 7.4.1. The proposed block layout is such that, while the blocks would not directly face Newfoundwell Road and Temon Abbey Road to the south-east and south-west, 4 of the blocks, A, C, D and E would be located in relatively close proximity to the road and at slight angles to it with Block B more centrally located in the scheme. It appears that this layout is designed to both ensure good separation distances to the north with the blocks positioned at significant angle to Beechwood Drive and to ensure the blocks can sit within a landscaped setting. The site is also elevated above the surrounding lands in all directions such that the ground floor levels of the blocks would be significantly higher than the ground floor levels of the dwellings at Beechwood Drive as shown in the submitted section drawings.
- 7.4.2. The proposed two to three storey heights would generally read as higher, particularly from the north, given the higher ground level at which they would be set. Given the significant separation distances from surrounding houses together with the angled positions of the blocks, and their limited length and width with sufficient vertical break-up, I have no significant concerns in relation to undue overbearing visual impacts to the north, south, east or west. I note the layout of the scheme has been carefully considered to not appear significantly out of character given the existing pattern of predominantly two storey development in the vicinity.
- 7.4.3. In urban design terms, I consider that this layout strikes an appropriate balance for the suburban setting of the site which is predominantly surrounded by housing of a lower scale and it achieves a sufficient level of efficiency. Given the height and scale of the blocks, the scheme would achieve a more compact urban design form while avoiding excessively strong urban presence given the significant angles of the blocks to Beechwood Drive, open spaces, landscaping and separation distances (ranging from c.36.7m to 49.8m for the four closest blocks) from the north and by partially facing and enclosing the streets to the south-east and south-west. The ground floor

facades of the blocks, mostly with windows and entrances facing the street, would sufficiently activate the streets for a residential development.

7.4.4. I consider that this form of development, while providing distinctively designed blocks with gable elements and of different forms with an appropriate mix of external materials such as brick, off-white render and dark grey metal cladding, respects the suburban character context of the area while providing pedestrian connections through the site. The two pedestrian step links with Beechwood Estate and the path link are welcome for permeability and given the significant change in levels. The height and form of the development is such that it would mark the corner site appropriately.

7.4.5. While provision is made for surface parking, this would be located centrally within the scheme and laid out in such a manner so that it does not face the existing streets to the south-east, south-west and north and would be ancillary to the blocks and open spaces within the scheme. The public realm of the scheme would be well positioned in relation to the blocks, routes and open spaces and is appropriately defined between the different spaces such as the internal roads and footpaths which are clearly demarcated and with good connections provided. Finally, in relation to urban design, I have no concerns in relation to the adaptability or the privacy of the units.

7.5. Residential Amenity

Overlooking

7.5.1. Noting the design changes at S.F.I. stage which included the alteration of internal layouts to apartments in Block A and orientation change of the balcony to face north-west, the separation distances between the proposed blocks and the surrounding development would be substantial. Notwithstanding the proposed heights on a raised area of ground, I have no significant concerns in relation to undue loss of privacy from the blocks in terms of impacts on Beechwood Drive, An Rian and Beaulieu View given the substantial separation distances (for example to the north ranging from c.36.7m to 49.8m for the four closest blocks) well in excess of Development Plan standards.

Daylight and Sunlight

- 7.5.2. While the submitted Daylight and Sunlight Assessment Analysis Report prepared by RDF Architects is limited, it notes no significant issues in relation to daylight and sunlight standards for the future users of the apartments, all of which are dual aspect. There are also no noted issues in relation to shadow impact on the internal open space areas. The Planner's Report noted no significant issues in relation to same and, noting the general standard of the scheme, I do not have any significant concerns in this regard.
- 7.5.3. In relation to shadow impact on residences and open spaces in the vicinity of the development, the submitted report notes no impacts of concern including on Beechwood Drive, An Rian and Beaulieu View. Notwithstanding the scale of development proposed together with the raised ground levels, the angled layout of the blocks relative to the residences to the north and the substantial distances from adjacent residential development including to the north (ranging from c.36.7m to 49.8m for the four closest blocks), are such that I have no significant concerns in relation to overshadowing impacts on residential amenities in the vicinity. As a precaution in relation to potential undue overshadowing impacts to the north, and given the absence of visual impacts of concern, I recommend, should permission be granted, the omission by condition of the mature trees (which suggests at least partially tall trees) to be located inside the northern site boundary where screening is not required.

Noise and Air Pollution

- 7.5.4. I note the concerns raised in relation to noise and air pollution. I do not consider that a line of trees to the north is required to mitigate such issues which will not be significant at the operational stage of development noting the scale of development and the residential type of development to be located in the vicinity of other residential development. Standard best practice construction measures can be required by condition should permission be granted.

Other Matters

- 7.5.5. Noting the findings above in relation to lack of significant impacts on residential amenities, I do not consider that any issues arise in relation to potential devaluation of property in the vicinity.

7.6. Transportation Issues

- 7.6.1. At S.F.I. stage the Council requested confirmation of site layout details in relation to footpath and cycle path widths, tactile arrangements for junctions, provision for ghost islands including one for right turning vehicles into Termon Abbey and to accommodate vehicles turning south into Newtown Link Road with potential alignment changes required for Blocks C, D and E. These issues were addressed in the S.F.I. response to the satisfaction of the Council's technical section.
- 7.6.2. In relation to potential excessive traffic congestion from the development in the context of the area with schools, creches and other uses in the vicinity, in the absence of a second vehicular entrance and in the absence of the North Drogheda Environs Masterplan, I note the submission of a Traffic and Transportation Assessment prepared by MHL & Associates Ltd (Consulting Engineers) which included a traffic survey in the morning and evening peak on Wednesday 21/09/2022 which I consider to be reasonable and representative. It modelled the junction of the Termon Abbey Access Road, An Rian and the proposed vehicular entrance and also the junction of the R166 and the Termon Abby Access Road. The results noted minimal impacts on the junctions from the proposed development.
- 7.6.3. The applicant also submitted a Mobility Management Plan prepared by MHL & Associates Ltd (Consulting Engineers). This report includes recommendations to appoint a Mobility Manager for the development and to advertise and inform future residents in relation to public transport, cycle and walking options which would assist in promoting such modes of transport. Noting the location of the development within walking distance of near-by trip attractors such as schools and creches and within walking distance of the town centre, and having regard to my site visit where I observed schools related traffic on a Friday afternoon without significant congestion, I have no significant concerns in relation to the addition of a negligible increase in vehicular trips to and from the site in a suburban area close to schools and other

facilities. A certain level of congestion is nevertheless to be expected at peak times particularly in the morning and at school opening and collection times and the development would not be significant in terms of its impact in this regard.

- 7.6.4. In relation to compliance with DMURS standards and the Cycle Design Manual for priority for pedestrians and cycling, I note the submitted Revised Site Layout Plan drawing (Drawing no. 21.082 – FI-121 submitted on 12/09/2023) showing the proposed 1.8m wide footpath and 2m wide cycle path along the southern and western boundary and the proposed boundary fence types (black railings above low walls), together with the provision of the tactile arrangements at all transitions requested by the Council. Also noted in this regard are the revised infrastructure at the junctions between Newtown Link Road and Termon Abbey Road and the site entrance junction, and the realignment of part of the carriageway of the R166 using a southern section of the site to provide 3m wide carriageways, ghost islands, 2m wide cycle path and 1.8m wide footpath.
- 7.6.5. Noting the above, consistent with the planning authority view, I am satisfied that the significant further information has adequately addressed this matter subject to the agreement of details by condition. I am also satisfied that these proposals will contribute to the existing and planned cycle improvements for the area and would appropriately facilitate a reduced reliance on private car transport given the site location within walking distance of the town centre and local facilities. I have no significant concerns in relation to access for emergency vehicles given the nature of the roads and the planned upgrades. While not in my view dependent on the PANCR, I do note that progress on construction of this route is being made with initial phases to the north-west complete.
- 7.6.6. I note no safety issues in relation to foot traffic at the pedestrian path link with Beechwood Drive where, in any event, should the Council choose, a safety barrier can be installed where the footpath meets the road.

7.7. Car Parking

- 7.7.1. At S.F.I. stage, an additional 6 no. car parking spaces were added for visitors bringing the total no. to 52 car parking spaces. Three of these spaces would be located inside the site entrance and the other 3 would be located on the south-east side of Block B. Third party concerns have been raised in relation to overspill parking, access and traffic congestion in the area. The Council's Placemaking and Physical Development Section recommended a grant of permission subject to conditions.
- 7.7.2. The car parking ratio would be 1.06 spaces per dwelling plus 6 visitor spaces or 1.21 spaces per dwelling. Table 13.11 of the Development Plan has a car parking standard 2 spaces per apartment (maximum only for duplexes) being located in an intermediate location (area 3) per Table 13.10 given the remoteness from public transport. The proposal includes 20 no. one bedroom units, 20 no. duplex units and three no. three bedroom units which at 2 car parking spaces per unit gives a standard of 86 spaces. However, the standard for the duplexes is stated to be a maximum.
- 7.7.3. I consider it reasonable that if 60% of the maximum standard were provided, (60% of 40 spaces for the duplexes = 24), that this would not be excessively below the standard which allows for some flexibility where a maximum is provided for as in this case. This would give an overall requirement for a total of 70 car parking spaces in the scheme. There would therefore be a shortfall of 18 car parking spaces in relation to the reduced standard. Notwithstanding the flexibility available in respect of duplex units, I therefore consider the proposed level of car parking provision to be a material contravention of Table 13.11 of the Development Plan given that it would not meet the reduced standard.
- 7.7.4. The Board can use the powers open to it under Section 37(2)(a) to grant permission where a material contravention of the Development Plan arises. While not directly applicable, I draw attention to Section 37(2)(b) of the 2000 Act as amended and the criteria (i) to (iv) which a grant of permission would be required to satisfy if the Board agrees that a material contravention of the Development Plan arises. In particular I

draw attention to criteria (iii) where a material contravention can be granted where the Board considers that permission should be granted having regard to guidelines under Section 28 of the Planning and Development Act 2000 as amended.

- 7.7.5. I note that under SPPR 3 (Car Parking) (a mandatory directly applicable requirement) of the Compact Settlement Guidelines issued under Section 28, states, inter alia, *“In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling”*. On this basis the total provision of 52 spaces at a ratio of 1.21 spaces per dwelling (or c. 60% of the maximum) could reasonably be considered to align with SPPR 3 given the maximum rate allowed and that the maximum is only allowed where justified.
- 7.7.6. Given that the Council noted no significant concerns in relation to the car parking provision on site, the location within the built up urban area of the town and the national policy of the Section 28 Compact Settlement Guidelines to reduce car parking provision in residential developments in urban areas to reduce private car travel demand/trips, I have no significant concerns in relation to the number of car parking spaces proposed below the CDP standard or in relation to the impact on local congestion which, noting the submitted traffic analysis, would be minimal. In line with the Section 28 guidelines, I consider that it is open to the Board to grant permission under Section 37(2)(a) of the 2000 Act as amended despite the material contravention of the Development Plan standards given the provisions of SPPR 3 of the Section 28 Compact Settlement Guidelines.
- 7.7.7. The development effectively seeks to reduce congestion impacts by the provision of a reduced car parking ratio and this is consistent with the Compact Settlement Guidelines and SPPR 3. This would also be consistent with the GDA Transport Strategy approach of deciding the most desirable modal split and then seeking to provide the infrastructure to deliver this approach. To note, there are no significant issues noted in relation to the bicycle parking provision which at 72 no. spaces is in line with CDP standards and which the Planning Authority found to be acceptable.

7.8. Ecology

- 7.8.1. Issues in relation to EIA and AA are dealt with separately in this report. The subject site consists of an elevated area of land made up mainly of overgrown grass, scrub, briar, various plants and some trees that would generally be found in rural hedgerows. There is no evidence of the presence of bats on the site and I noted no features of ecological significance on the site on my visit.
- 7.8.2. The application is not accompanied by any ecology reports or surveys. The appellant has suggested that the development may impact on the bat population and that conditions are required in relation to hedgerow removal. While I do not agree that special measures are required for hedgerow retention on such a suburban infill site where a suitable landscaping scheme for the site is proposed, given the presence of trees on the site and the requirements for tree removal and the absence of ecological information with the application, I recommend that a special condition be applied to ensure no tree felling is carried out during breeding season should and this would align with guidance set out in the Irish Wildlife Manual 134 (2002) permission be granted. This would address potential seasonal use of the site by bats.

7.9. Water and Drainage Infrastructure

- 7.9.1. Following the S.F.I. request in relation to drainage infrastructure matters, documents were submitted including the Drainage and Water Supply Report prepared by Mable Consulting Engineers, which detailed foul drainage infrastructure and surface water infrastructure arrangements including for attenuation and an acceptance letter from Uisce Eireann which noted that the waste water connection is feasible without infrastructure upgrade and that the water connection is feasible subject to upgrades (Appendix H of the submitted report). No flood risk issues are noted.
- 7.9.2. The Council's Placemaking and Physical Development Section recommended a grant of permission subject to conditions. In relation to the concerns raised in relation to inadequate water infrastructure for the area, Uisce Eireann have outlined that a connection will only be feasible following an infrastructure upgrade and I have

no significant concerns in relation to same, given the expected completion date is stated to be Q4 2023, which can be dealt with by condition should permission be granted. This would address any potential seasonal use of the site by bats.

7.10. Other Matters

7.10.1. Noting the assertions made in the appeal in relation to unusual bias, I note that no evidence has been put forward to demonstrate same. Noting the reports of the Planning Authority and its Decision, I note no issues of concern in this regard.

7.10.2. The Planning Authority included a condition in its decision requiring that the first occupation of the units effectively be restricted from institutional investors. I note that national policy allows for such a condition in relation to own door residential dwellings rather than apartments and I can find no basis for the condition in the Development Plan. Therefore, I do not recommend the inclusion of such a condition should permission be granted.

8.0 Appropriate Assessment Screening

8.1. Stage 1 - Screening

8.1.1. I have considered the proposed development of in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

8.1.2. The proposed development comprises 43 dwelling units in 5 two to three storey blocks, 46 car parking spaces and vehicular access on a suburban infill site.

8.2. The Planning Authority has screened the proposed development for AA and found that no appropriate assessment issues arise and that the development would not be likely to have a significant impact individually or cumulatively or in combination on a European site and Stage 2 AA is not required. The submitted Planning Statement

also includes a Stage 1 AA Screening which noted to issues or requirement for a Stage 2 AA.

8.3. European Sites

- 8.3.1. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The project is not necessary for the management of a European site.
- 8.3.2. 7 no. European sites are located within a potential zone of influence of the proposed development. Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website (www.npws.ie). In relation to the potential zone of influence of the subject site, I consider that the following sites relevant which are located:
- c.0.72km to the south of the subject site at the River Boyne and River Blackwater SAC (site code 002299),
 - c.0.87km to the south at the Boyne Estuary SPA (site code 004080),
 - c.1.5m to the south-east at the Boyne Coast and Estuary SAC (site code 001957),
 - c. 4.4 km to the east at the River Boyne and River Blackwater SPA (site code 004232),
 - c. 6km to the south-east at the Irish Sea SPA (site code 004236),
 - c. 7.2km to the south-east at the River Nanny Estuary and Shore SPA (site code 004158),
 - c.9.3km to the north-east at the Clogher Head SAC and PNHA (site code 001459).
- 8.3.3. A description of the site is provided in section 1 and the site does not feature any substantive surface water bodies. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The closest river is located c.0.4km to the north-east and which flows in

a meandering easterly/southerly direction into the Boyne Estuary SPA and at a point which is close to the River Boyne and River Blackwater SAC and the Boyne Estuary SPA and the Boyne Coast and Estuary SAC. There is another river located c.0.5km to the south-west and which flows in a south-easterly direction into the River Boyne and River Blackwater SAC and which is located close to and which flows into the above named European sites.

Table 1 – Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

European Site	Qualifying Interests (summary)	Connections	Consider Further
River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299) (c.0.72km to the south)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	No direct	No
Boyne Estuary Special Protection Area (SPA) (site code 004080) (c.0.87km to the south)	Shelduck (<i>Tadorna tadorna</i>) [A048] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162]	No direct	No

	<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Boyne Coast and Estuary SAC (site code 001957)</p> <p>(c.1.5m to the south-east)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	No direct	No.
<p>River Boyne and River Blackwater SPA (site code 004232),</p> <p>(c. 4.4 km to the west)</p>	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	No direct	No
<p>Irish Sea SPA (site code 004236)</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p>	No direct	No

(c. 6km to the south-east)	<p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>		
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River Nanny Estuary and Shore SPA (site code 004158) (c. 7.2km to the south-east)	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]	No direct	No
Clogher Head SAC (site code 001459) (c.9.3km to the north-east)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	No direct	No

8.4. Likely impacts of the project (alone or in combination)

- 8.4.1. I consider that the development has no unique or challenging attributes, either at construction or operational stage. Due to the position of the development site in an urban/suburban area and the presence of a significant built up area between the subject site and the nearest rivers to the north-east and south-west with no direct hydrological links to a European site, I consider that, when completed, the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.4.2. During site clearance, demolition and construction of the proposed apartment blocks, roads and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. During the construction phase, standard pollution control measures would be put in place.

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

- 8.4.3. Noting the relatively modest scale of the development for 43 no. dwellings, I consider that the foul discharge would be insignificant in the context of the overall licenced discharge available at Drogheda Wastewater Treatment Plant. The scheme includes attenuation measures which would have a positive impact on storm water 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. They are not considered to be mitigation measures in the context of Appropriate Assessment.
- 8.4.4. The contained nature of the site (serviced, with defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the Boyne Estuary SPA, the River Boyne and River Blackwater SAC, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites including via storm and foul drainage networks. The site consists of unmanaged grassland that does not offer suitable habitat for foraging wintering birds and is not suitable as an ex-situ site. The site is also not noted to be an ex-situ site for any of the qualifying interests of the above SPAs.
- 8.4.5. Given the modest scale of the proposed development within a suburban area in terms of land take, the separation distances from European sites, the absence of relevant qualifying interests in the vicinity of the works and the absence of an ecological or hydrological pathways, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be

a significant increase on the current baseline if works were to commence during the wintering period for birds.

8.4.6. The proposed development would not have direct impacts on any European site.

8.5. Likely significant effects on the European sites in view of the conservation objectives

8.5.1. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the above named SACs and SPAs. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

8.5.2. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent on the site.

8.6. In combination effects

8.6.1. The expansion of the town of Drogheda is catered for through land-use planning by the Planning Authority, including the Louth County Development Plan 2021-2027 (as varied) which itself has been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European Sites. I note that nearby development was screened out from Appropriate Assessment. I am satisfied that the proposed development will not result in any effects that could contribute to an additive effect with other developments, such as the housing development of 33 units under construction (reg. ref. 21/412) in the area. No mitigation measures are required to come to these conclusions.

8.7. Overall Conclusion

8.7.1. Screening Determination

8.7.2. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that 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 within the area, namely the Boyne Estuary SPA, the River Boyne and River Blackwater SAC, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7.3. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site,
- Distance from and weak indirect connections to the European sites.
- The Planning Authority conclusion on A.A.

9.0 Recommendation

Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, the provisions of the Louth County Development Plan 2021 – 2027 (as varied), the location within an existing urban area, the mitigation measures to be conditioned in relation to local ecology and to the nature and scale of the proposed development with no significant congestion likely to result, 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 including as a result of the separation distances and would be acceptable in terms of traffic safety and convenience. 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 3rd October 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees and plants specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species.
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (v) Details of roadside/street planting which shall not include prunus species.

(vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

3. Provision shall be made for roadways, junctions, cycleways, footpaths, parking spaces and ghost islands within and outside the development in accordance with the Revised Site Layout Plan (Drawing no. 21-082 – FI – 120) and the Proposed Infrastructure on R166 drawing (Drawing No. 22112TT-LA-P01) submitted on the 12th day of September 2023. Details of such provision, including construction, finishes and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The cycleways, footpaths and ghost islands shall be provided in accordance with the agreed details prior to first occupation of the units.

Reason: In the interest of sustainable transportation and safety.

4. No tree felling shall take place during breeding season.

Reason: In the interests of local ecology and biodiversity.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

7. 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.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 placenames for new residential areas.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in

accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

15. 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.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.

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.

Ciaran Daly
Planning Inspector

5th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	43 dwelling units, 46 car parking spaces and vehicular access		
Development Address	Termon Abbey, Newfoundwell 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	X
		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	X		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)
No			No EIAR or Preliminary Examination required
Yes	X	Class (10)(b) of Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - Form 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318400-23	
Proposed Development Summary	43 dwelling units, 46 car parking spaces and vehicular access	
Development Address	Termon Abbey, Newfoundwell Road, Drogheda, Co. Louth	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p>	The proposed development is for 43 dwelling units across 5 two to three storey blocks, vehicular entrance and associated works within an urban area and which is connected to water services and wastewater services.	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>		No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>		No
<p>Are there significant cumulative considerations having regard to</p>		

other existing and / or permitted projects?		No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	No designations apply to the subject site. There will be loss of trees/ habitat with localised impacts. There are no features of cultural heritage interest in the vicinity. The proposed development will be connected to the public water and sewer network.	No No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)