An Bord Pleanála

Inspector's Report ABP-319594-24

Development	Construction of a total 13 no. residential units and all associated site works.
Location	Nos. 47 & 50 North Road, Drogheda, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	23/60078.
Applicant	James McKevitt & Keith O'Leary.
Type of Application	Permission.
Planning Authority Decision	Grant of Planning Permission.
Type of Appeal	Third Party v Grant of Planning Permission.
Appellant	John Murphy C/O Anneville Crescent Residents Committee.
Observer(s)	None.
Date of Site Inspection	10/12/2024.
Inspector	Enda Duignan

Contents

1.0 Site Location and Description 3

2.0 Proposed Development 3

3.0 Planning Authority Decision 5

4.0 Relevant Planning History 9

5.0 Policy and Context 10

6.0 The Appeal 20

7.0 Assessment 24

8.0 Recommendation 45

9.0 Reasons and Considerations 45

10.0 Conditions 46

Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Screening

Appendix 2: AA Screening Determination

1.0 Site Location and Description

1.1. The address of the appeal site is Nos. 47 & 50 North Road, Drogheda, Co. Louth. The site has a stated area of c. 0.22ha and is located on the north-eastern side of the R132 (North Road), c. 200m to the north-west of the junction of the R132 and Windmill Road. The site has an irregular shape and is accessed from an existing vehicular entrance located between Nos. 47 & 50 North Road. The site then extends to the rear of Nos. 47, 48, 49 & 50 North Road. The southern portion of the site has been substantially cleared and comprises primarily of a gravel surface. A grassed area forms the remainder of the site and there are a number of mature trees located along the western boundary and to the rear of No. 50 North Road. It is understood that the site was formerly in agricultural use and there are 2 no. existing structures on the site, comprising a double storey outbuilding located in the south-eastern corner and single storey structure located adjacent the northern site boundary. In terms of topography, the site is relatively flat and I note that majority of the site is elevated relative to the public road with a level difference of c. 1m recorded.

1.2. In terms of the site surrounds, No. 50 North Road is located to the west of the site and comprises a number of apartments within the portion of the building fronting North Road. An existing architectural practice occupies the rear portion of the building and there is no formal boundary between the 2 no. sites. I note that the existing surface level car parking associated with the architectural practice and apartments is accessed by the entrance that will serve the subject proposal. The site is located to the north of Nos. 47, 48 and 49 North Road and the site has a direct abuttal with their rear boundaries. It is noted that No. 47 is designated a Protected Structure (DB-310; NIAH Reference 136106003) under the current County Development Plan. To the east of the site is the cul-de-sac of Anneville Crescent. These are typically semi-detached double storey dwellings, and the proposed development will have a direct abuttal with the boundaries of their rear amenity spaces. To the north of the site are playing pitches associated with O'Raghallaighs Gaelic Football Club.

2.0 Proposed Development

2.1. Planning permission is sought for development comprising the demolition of the existing structures on site and the construction of a total 13 no. residential units across

2 no. blocks that range in height from 2-3 stories. Block A is located within the eastern portion of the site and comprises a part 2/part 3 storey apartment building. The linear shaped block has a total length of c. 31m and is set back a minimum of c. 4.7m from the eastern site boundary which it shares with the rear boundaries of the properties on Anneville Crescent. The block has a gable sided pitched roof form with a height that ranges from c. 8.9m (two storey element) at its southern end to 11.9m (three storey element) at its northern end. Block A (Unit Nos. 1-7) comprises 3 no. 1 bedroom ground floor apartments, 3 no. 2 bedroom duplex apartments and 1 no. 3 bedroom house (southern end of block).

2.2. Block B is located within the northern portion of the site and given the splayed nature of the site's rear boundary, provides a varied setback of between c. 3m (eastern end) and c. 9.7m (western end) from its northern site boundary. The block has a maximum height of c. 13.1m and has also a gable sided pitched roof form. A single storey flat roof structure adjoins the eastern side of the block and comprises the bike store, bulky store and bin store, all of which will serve the proposed development. This element of the building has a maximum height of c. 3.3m and is set back by between c. 0.8m and c. 1.8m from the eastern site boundary. Block B (Unit Nos. 8-13) comprises 3 no. 2 bedroom ground floor apartments and 3 no. 3 bedroom duplex apartments at first and second floor level. The unit mix of development is provided in Table 2.1.

Table 2.1

Type	Block A	Block B
1 bed apartment	3	0
2 bed apartment	0	3
2 bed duplex apartment	3	0
3 bed duplex apartment	0	3
House (3 bed)	1	0
Total	13 no. units	

2.3. In terms of amenity, the ground floor level 1 bedroom units within Block A are served by landscaped gardens on the eastern side of the block. The upper floor level duplex units have terraces on their eastern and western sides. The ground floor units within Block B are served by landscaped gardens on the northern side of the block. The upper floor level units within this block are served by a south facing terraces at first

and second floor level. The development is also served by an area of communal amenity space which is located adjacent to the site's western boundary which measures c. 80sq.m.

2.4. A new access road is provided through the site which leads to surface level car parking areas which are located to the front of each block (10 no. spaces in total). A total of 28 no. resident bicycle parking spaces are proposed to serve the development. In addition, 7 no. visitor spaces are proposed to the south of Block B.

2.5. Permission is also sought for site development works including, landscaping, boundary treatments, public lighting, footpaths and roads associated with the proposed development.

2.6. Key details of the development are summarised in Table 2.2 below.

Table 2.2

No. of Units	13
Site Area	0.22 ha
Plot Ratio	0.4
Density	62 units per hectare
Building Height	2 - 3 storey
Dual Aspect Apartments	100 %
Child Care facility	No
Car Parking	10 spaces (including 1 disabled space)

2.7. To address concerns raised by the Planning Authority, the Applicant modified the design of Unit No's 8 & 9 in Block B at Further Information to provide 2-bed/4-person units (previously proposed as 2-bed/3-person units). Furthermore, an additional bulky store (9.5sq.m.) is proposed to the rear of Block A and will provide storage for Unit No's 2-7.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council granted planning permission for the proposed development subject to compliance with 17 no. standard conditions.

Conditions of note include:
Condition No. 2 restricts all houses and duplex units to first occupation by individual purchasers.

Condition No. 7 requires the windows to the front elevation of Block A serving the bedroom of Unit No. 3 & 4 to have standard, clear glazing.

Condition No. 10 requires compliance with the mitigation measures set out in the Bat Survey and the requirement to undertake a pre-demolition and pre-construction survey of the site for bats and roosts.

Condition No. 11 relates to various infrastructure requirements.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.1.1. The Louth County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and surrounding context and an overview of the policy at local and national level that was deemed to be relevant to the proposed development. The report provides details of the planning history of the site and surrounds and a summary of the observations on the planning file.

3.2.1.2. In terms of their assessment, the Planning Authority was satisfied that the principle of development was acceptable at this location and the scale and height of the development was generally consistent with the pattern of development in the surrounding area. However, further information was requested with respect to the following matters:

1. Revisions to the design of the development to comply with the Section 28 Guidelines, Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities, Department of Housing, Planning and Local Government, December 2022.
2. Clarification regarding the red and blue line boundary and confirmation whether a right of way is to be provided to facilitate access to the existing car parking

spaces associated with the office unit and to the gate to the rear of No. 47 North Road.

3. To demonstrate that Daylight and sunlight to all habitable rooms are in compliance with the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) (rear of units within Block B)
4. Revisions to the Building Life Cycle Report.
5. Revisions to the landscaping proposals includes boundary treatments.
6. Requirement to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure.
7. Submit details of any proposed public lighting within the development.
8. Submission of revised notices, if required.

3.2.1.3. Following the submission of the Further Information response, the Planning Authority was satisfied that the proposed development was acceptable, and a grant of planning permission was recommended subject to compliance with 17 no. conditions.

3.2.2. Other Technical Reports

Infrastructure Section: Initial report recommending additional information with respect to the matters outlined in section 3.2.1. Second report on file stating no objection to the proposed development subject to compliance with conditions.

Placemaking & Physical Development Section: 2 no. reports on file recommending a grant of permission subject to compliance with conditions.

Housing Section: Report on file confirming agreement in principle of Part V requirements.

3.2.3. Prescribed Bodies

Irish Water: Initial report on file requesting further information to determine the feasibility of connection to the public wastewater infrastructure. Second report on file stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

A total of 12 no. observations were received by Third Parties during the initial period of consultation. The issues/concerns raised within the observations can be summarised as follows:

- Concerns regarding the loss of trees on site and its impact on the site's ecology, including bats and birds.
- Concerns that the development will impact the hedgerows of neighbouring properties.
- Construction related impacts, including noise and air pollution and its impact on human health.
- The development will result in the loss of light and overshadowing of adjoining properties.
- Concerns regarding the adequacy of the Applicant's daylight and sunlight assessment.
- The development will result in overlooking of adjoining properties.
- The separation distances provided from neighbouring properties are inadequate.
- The density of proposed development is excessive and out of character with the surrounding area. The proposal constitutes an overdevelopment of the subject site.
- Concerns highlighted with respect to the scale, height and overall visual impact of the development.
- The proposed development and its site entrance represent a traffic hazard and will exacerbate traffic congestion within the area.
- The proposed entrance fails to achieve adequate sightlines.
- Pedestrian footpath provision within the site is inadequate.
- Concerns regarding the level of car parking provided and it is considered the development will exacerbate on street car parking pressures.
- The development will negatively impact the value of neighbouring properties.
- Concerns raised regarding the impact of the proposed development on the neighbouring Protected Structure. Failure to comply with the legal obligations with respect to Protected Structures.
- Concerns regarding the location of the bin storage area.

- An observation had queried the time of the Applicant's traffic surveys.
- Concerns raised regarding the lack of consultation with neighbouring properties.
- It is contended that units within the development should be allocated to families. There are also calls for the provision of social housing.

Following the receipt of the further information response, 1 no. additional observation was within the prescribed period. The matters raised in the observations can be summarised as follows:

- Concerns regarding overlooking and loss of sunlight as a result of the proposed development.
- Concerns regarding the location of the additional storage room within Block A and its siting relative to the neighbouring property.
- Concerns highlighted with respect to the loss of trees on site and the impact of the development on existing hedgerows.

4.0 Relevant Planning History

4.1. The Subject Site.

4.1.1. **24/60651:** Planning permission sought for change of use of existing 3 no. apartments to office use, including internal alterations and 2 no. external doors to east elevation and all associated works at 50 North Road, Drogheda, Co. Louth. At the time of writing this report, the Planning Authority had issued a request for further information and further information was received on 21st January 2025.

4.1.2. **20/45:** Planning permission and retention permission granted by the Planning Authority in July 2020 for the following works:

- Retention of existing one-bedroom apartment on ground floor of existing building (50 North Road).
- Demolition of former farmyard building and provision of 8 no. parking spaces & 3 no. cycle bays to rear of 47 North Road for existing office, along with new fence enclosure.
- Alterations to existing entrances (47 & 50 North Road) to create new vehicular entrance to new car park including the removal of existing boundary wall and

relocation of existing stone piers.

- New wall to the rear of existing dwelling (47 North Road).
- All associated site works.

Whilst the agricultural buildings have been demolished in line with the permission, I note from my observations on site that the permeable paving to the east of the No. 50 North Road, the demarcated car parking spaces and the permitted fencing have not been implemented.

5.0 Policy and Context

5.1. Louth County Development Plan, 2021-2027 (CDP) (Consolidated incl. Variations 1 & 2)

5.1.1. The Louth County Development Plan, 2021-2027 (CDP) is the operative plan for the purposes of the appeal determination. The appeal site is located within an area zoned 'A1' (Existing Residential), the objective of which is 'To protect and enhance the amenity and character of existing residential communities'. This zoning objective also applies to the majority of lands within the immediate surrounds of the appeal site. I note that the lands to the north of the site are zoned H1 (Open Space).

5.1.2. Relevant Strategic Settlement Strategy Policy Objectives (2.13.9) for Drogheda include:

- SS 5 To support increased building heights at appropriate locations in Drogheda, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.
- SS 10 To manage the growth of Drogheda in a manner that will achieve the creation of a compact settlement with attractive and inclusive sustainable neighbourhoods where there is a choice of affordable homes for all.

5.1.3. The core strategy of the Plan includes an objective to achieve compact growth, to support proposals to develop buildings of height on suitably located sites and to deliver high quality residential development; and that at a minimum 30% of new homes will be provided within the built up footprint of the urban area.

5.1.4. In relation to higher densities, the plan states that when identifying the potential density

of a site, consideration must be given to the surrounding context and how the development would relate to the existing built form and character of its location. One of the key elements of making a high density development an attractive place to live, is in the quality of the internal design such as the amount of daylight the accommodation receives and the external space on which the building(s) is located i.e. the quality of the public realm. The densities in the Plan are informed by national and regional policy and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024), which requires higher density developments in centrally located areas, large urban areas and along public transport corridors. Recommended minimum densities in the Regional Growth Centres, Dundalk and Drogheda (Edge of Settlement) are 35 units per ha. It is a 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.

5.1.5. Relevant objectives of the Plan include:

- HOU 12 To support the implementation of the Policy Statement 'Housing Options for Our Ageing Population' and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of 'rightsizing' within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.
- 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.
- HOU 17 To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

- 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
- HOU 20 To require a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated Design Manual, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.
- HOU 22 To require residential developments to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.
- HOU 23 To require the layout of residential developments to take account of the Design Manual for Urban Roads and Streets (2019) in the provision of pedestrian and cycling infrastructure and crossing points and the design of estate roads and junctions
- HOU 24 To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.
- HOU 25 All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of the Plan.
- 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.
- HOU 28 To encourage innovation in design that delivers buildings of a high quality that positively contribute to the built environment and local streetscape.
- HOU 29 To seek that all new residential developments in excess of 20 residential units provide for a minimum of 30% universally designed units in accordance with the requirements of ‘Building for Everyone: A Universal Design Approach’ published by the Centre for Excellence in Universal Design.
- HOU 30 To encourage 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.

- HOU 32 To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.
- HOU 33 To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area
- BHC 6 To ensure any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a Zone of Archaeological Potential (including formerly walled towns) shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required.

5.1.6. In terms of Chapter 8 (Natural Heritage, Biodiversity and Green Infrastructure), the following policy objectives are noted:

- NBG 3 To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

  NBG 4 To ensure that all proposed developments comply with the requirements set out in the DECLG 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2010'.
- NBG 6 To ensure a screening for Appropriate Assessment (AA) on all plans and/or projects and/or Stage 2 Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate, is undertaken to make a determination. European Sites located outside of the County but within 15km of the proposed development site shall be included in such screenings as should those to which there are pathways, for example, hydrological links for potential effects.

5.1.7. Chapter 9 of the CDP relates to 'Built Heritage and Culture, and Section 9.6 of the

Plan provides policy guidance with respect to the County's architectural heritage. As detailed, the site is located to the rear of an existing Protected Structure (DB-310; NIAH Reference 136106003). Relevant objectives of the Plan include:

- 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.
- 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. BHC 22: To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire complex including the structures, demesne and/or attendant grounds.
- BHC 23: To require that all planning applications relating to protected structures contain the appropriate documentation as described in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any subsequent guidelines, to enable a proper assessment of the proposed works and their impact on the structure or area.
- BHC 26: To encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance. In certain cases, development management guidelines may be relaxed in order to secure the conservation of the protected structure and architectural features of special interest.
- BHC 28: To ensure the protection of architectural features of special interest as part of any proposed re-development where there is conflict with other development plan requirements such as open space, car parking etc.

5.1.8. Chapter 13 contains development standards and includes (at 13.8.10) under the

heading Daylight and Sunlight, that care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.

5.1.9. Referring to the Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' - provide useful guidance, it also states that per section 6.7 of the 'Apartment Guidelines' where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.

5.1.10. Under the heading 'Residential Amenity' (13.8.9.1) Privacy - Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the development. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.

5.1.11. Public open space provision in the range of 10-15% of the net site area shall be provided. The Plan recognises that there will be circumstances where there will be challenges in providing the required public open space. This will be particularly prevalent on infill and brownfield sites in centrally located areas in towns and villages where the plot size and/or site dimensions can reduce the opportunities for providing public open space.

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

5.1.13. Table 13.11 (Car Parking Standards) set outs that the car parking required - 1 space per apartment in Area 2 while a maximum standard of 1.5 spaces applies to residential dwellings (included duplex units). A reduction in the car parking requirement may be acceptable where the Planning Authority is satisfied that:

- There is sufficient parking available in the vicinity of the development to cater for any shortfall;
- The nature of the development is such that existing parking spaces in the vicinity could facilitate the dual use of parking spaces, particularly if the development operated at off-peak times. Supporting documentation will be required demonstrating how the dual use will work;
- The public transport links available would reduce the demand for car parking;
- The central location of the development is such that the customers/residents/users of the development would be likely to walk or cycle; and
- There was no off street car parking provided with the existing/previous use of the property and the redevelopment of the property would not result in a significant increase in the car parking requirement.

5.1.14. In term of cycle parking, Table 13.12 - Apartment, Flat , Sheltered Housing - Minimum of 1 cycle space per bedroom, for Studio units at least 1 cycle space; and 1 space per 2 units visitor parking. For dwellings, a standard of 1 no. space per unit applies with 1 no. visitor space required per 5 no. units.

5.1.15. Relevant appendices of the current Plan include:

- Appendix 5 - Tree Surveys of Drogheda and Dundalk
- Appendix 6 - Tree Protection

5.1.16. Volume 4 – Record of Protected Structures (consolidated)

5.2. Drogheda Joint Local Area Plan

5.2.1. This joint LAP will set out a land use strategy for the future growth and sustainable development of Drogheda, focusing on issues including population and economic growth, delivery of housing and community facilities, regeneration of vacant and

under-utilised lands, the potential impacts of climate change, environmental protection, and investment in transportation and water services infrastructure. I note that the closing date for submissions in respect of the Pre-Draft Issue Paper was the 27th March 2024.

5.3. Section 28 Ministerial Guidelines.

5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2022) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines')
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local

Government, 2009).

5.3.2. **Climate Action Plan (CAP) 2024**

5.3.2.1. The role of local authorities in reducing car dependency and car parking is recognised. Road space reallocation and a sustainable approach to parking policy are considered to form key measures to both reduce unsustainable private car demand and enhance placemaking, supporting improvements in the accessibility and air quality of our urban spaces. The provision of safe and accessible walking and cycling infrastructure is key to encouraging modal shift away from private car use and towards walking and cycling.

5.3.3. **Ireland's 4th National Biodiversity Action Plan 2023–2030**

5.3.3.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.3.4. **Project Ireland 2040 National Planning Framework (NPF)**

5.3.4.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.

- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.4. 'Housing for All - a New Housing Plan for Ireland (September 2021)'.

5.4.1. This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

5.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

5.5.1. The primary statutory objective of the RSES is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas.

5.6. Natural Heritage Designations

5.6.1. The nearest designated site is the River Boyne and River Blackwater SAC (Site Code:

002299) located c. 520m to the south of the site.

5.7. EIA Screening

5.7.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One (1) no. Third Party planning appeal has been submitted by John Murphy C/O Anneville Crescent Residents Committee. As noted, Anneville Crescent is an established residential area located to the east of the appeal site. The dwellings along the western side of Anneville Crescent have an eastern orientation and their rear gardens have a direct abuttal with the eastern boundary of the subject site. The appeal has attached the original submission to the Planning Authority and it is the appellant's view that a number of the issues raised have been ignored in the Planning Authority's assessment. The matters raised which form the grounds of appeal, can be summarised as follows:

Design (Scale and Height)

6.1.2. The submission raises concerns with respect to the scale and form of development and the lack of appropriate boundary setbacks. It is indicated that the development fails to respond to the character of the surrounding area, an area which comprises low density house, characterised by spacious gardens and open spaces. It is appellants view the development, with its excessive density and height, would create a stark contrast with the prevailing pattern of development and would disrupt the established visual harmony of the area. It is contended that the overbearing presence of the new buildings would have a detrimental effect on the existing area, community, and social dynamics, leading to a decline in the quality of life for both existing and new residents

Amenity Impacts

6.1.3. It is argued that the design of the development lacks consideration for privacy and overlooks onto existing private amenity spaces and back gardens. It is stated that the positioning of windows and balconies would result in direct overlooking of neighbouring properties and the development fails to provide adequate boundary setbacks/separation and is contrary to the requirements of the current CDP.

6.1.4. Concerns are also raised regarding the impact of the proposed development in terms of the overshadowing of neighbouring properties and their amenity areas, the impacts of which are illustrated in the Applicant's shadow assessment.

Impact of the Proposed Development on Bats

6.1.5. It is the appellant's contention that the proposed development would have a detrimental impact on a bat species that are protected under Irish law. The appellant noes that the bat survey prepared by the Applicant is inconclusive and fails to provide sufficient evidence to support the protection of bat species. It is stated that the survey submitted by the Applicant lacks the necessary detail, such as comprehensive sampling and monitoring techniques, to determine the true impact of the development on the bat species. In the absence of a conclusive survey, it is impossible to ascertain the extent of these potential threats and take appropriate measures to mitigate them. The submission requests the Planning Authority to prioritize the conservation and preservation of this species by conducting an independent evaluation and ensuring that the applicant provides conclusive evidence to support their compliance with legal protections

Traffic Related Concerns

6.1.6. It is the appellant's view that the proposed development would exacerbate the already congested traffic conditions on North Road. It is noted that the proposed entrance to the development does not meet the minimum traffic sight line requirements as required by DMURS and the submitted plans and particular fails to acknowledge the layby parking to the north-west of the entrance which would obstruct the proposed sightline. Therefore, it is the appellant's view that the proposal constitutes a traffic hazard.

Inadequate Pedestrian Footpath Provision

6.1.7. It is noted that the proposed development includes a pedestrian footpath on only one side of the road, which does not meet the minimum standards set out in DMURS. The proposal therefore poses significant safety and accessibility concerns for pedestrians, particularly considering the location's proximity to existing housing and the potential increased traffic flow resulting from the development. Concerns have also been raised with respect to the width of the proposed pedestrian entrance (i.e. 1m). It is indicated that the narrow pedestrian entrance not only compromises pedestrian mobility but also poses safety hazards and discomfort. Additionally, the limited width of the pedestrian entrance raises concerns regarding accessibility for persons with disabilities or limited mobility.

Density of Development

6.1.8. Concerns are raised with respect to the overall density of the proposed development which in their view is excessive given the size of the site. It is contended that the development would result in cramped living conditions, insufficient outdoor space and a lack of amenities for future residents.

Incompatibility with Protected Structure

6.1.9. Concerns are raised with respect impact of the proposal on the neighbouring Protected Structure and its setting due to the overall scale, height and form of the development. It is contended that the development would create an unsympathetic and visually discordant juxtaposition which would undermine the Protected Structure's architectural prominence and historical significance.

6.1.10. The appellant notes that any development within the curtilage of Protected Structure must adhere to strict legal obligations under Irish law. These legal obligations require that any proposed development should respect, preserve, and enhance the Protected Structure's character, appearance, and significance. It is the appellant’s view that the proposed development, as currently outlined, does not meet these obligations and may therefore contravene the legal protections in place for the Protected Structure. In addition, it is noted that the 3D illustrations and site sections provided by the Applicant are substandard and fail to provide an accurate representation of the proposed development.

6.2. Planning Authority Response

6.2.1. The Planning Authority confirms its decision and requests the Board to uphold the decision to grant permission.

6.3. Observations

6.3.1. None.

6.4. First Party Response

6.4.1. A detailed response to the Third Party appeal has been prepared and submitted on behalf of the Applicant. The response provides a description of the site and surrounds, a review of the site's planning history and an overview of the planning policy provisions that are relevant to the subject proposal and a demonstration as to how the proposal is compliant with same. The First Party submission then provides a response to the each of the issues raised by the appellant which are discussed in further detail below in my assessment of the proposed development.

6.4.2. The submission also includes the following documents:

- Copy of letter from An Bord Pleanála,
- Response from Brian Keeley B. Sc. (Hons) in Zool. re bats,
- Response from Transport Insights regarding traffic,
- Response from McKevitt King Architect regarding Protected Structure,
- Response from BPC regarding daylight and sunlight,
- Revised BPC Daylight and Sunlight Assessment, and,
- Revised drawings:
    - PP-02 PROPOSED SITE LAYOUT PLAN 1:500 A3,
    - PP-03 PROPOSED FLOOR PLANS (BLOCK A) 1:200 A3,
    - PP-04 PROPOSED ELEVATIONS & SECTION (BLOCK A) 1:200 A3, and,
    - PP-07 PROPOSED SITE SECTIONS.

6.5. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, the submissions on file and having inspected the site and surrounding area, and having regard to the 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 & Density,
- Residential Amenity,
- Visual Impact & Built Heritage,
- Access & Parking,
- Landscaping, Open Space & Biodiversity, and
- Appropriate Assessment.

7.1. Principle of Development & Density

7.1.1. Planning consent has been sought by the Applicant for the development of a residential scheme on the subject site across 2 no. linear blocks. The appeal site is located on residential zoned lands (A1 Existing Residential) within the settlement boundary of Drogheda. The objective of the relevant zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. The guidance for the zoning also notes that 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. I note that a 'residential' use is identified as being generally permitted under the current zoning. Section 13.21.2.1 of the current CDP notes that a 'Generally Permitted Use' are considered to be generally acceptable, subject to the normal planning considerations (such as design, scale, density, layout, noise, odour, residential amenity, traffic generation, and service arrangements), compliance with the relevant policy objectives and standards set out under the CDP and any relevant ministerial guidance.

7.1.2. In terms of achieving 'Compact Growth', Section 2.6.4 of the current CDP identifies that an overriding objective of both the NPF and the RSES is the need to achieve

ambitious targets for compact growth in urban areas. The policy highlights that Louth is required to deliver at least 30% of all new homes within existing built up footprints (NPO 3c) and achieving this target can be realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales and transition to a low carbon, climate resilient society. Following on from this, it is an objective of the Plan (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'. Having regard to the characteristics of the site and pattern of development in the surrounding area, the zoning objective that applies to the lands, the location of site within walking distance of Drogheda town centre and the nature of this infill development, on what is evidently an underutilised, brownfield site, I am satisfied that the principle of development is acceptable at this location and is in accordance with local, regional and national policy objectives that seek to secure and deliver compact growth at suitable locations. However, I note that the issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration its design and layout, the impact on the amenities of adjoining residents, built heritage, access, ecology and the sustainable planning and development of the area, all of which are matters which require detailed consideration and will be addressed in the following sections of this report.

7.1.3. I note that the appellant's submission has raised concerns regarding the overall density of development being proposed, which is in their view excessive when considering the pattern of development in the surrounding area. It is their contention that the proposed density results in a layout which fails to achieve adequate separation distances from neighbouring properties, provides substandard open space and would result in a poor standard of amenity for future occupants of the scheme. Within their assessment, the Planning Authority was satisfied that the density proposed (i.e. 62 units per ha.) was acceptable, noting that the current CDP recommends a minimum density of 35 units per ha. for edge of settlement sites. They also referred to the characteristics of this underutilised infill/backland site. Under the Sustainable

Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (referred to herein as Compact Settlement Guidelines), the appeal site would fall within what could be described as a suburban area of a Regional Growth Centre, as per Table 3.4 (Areas and Density Ranges – Regional Growth Centres). Table 3.4 notes that suburban areas are the low density car-orientated residential areas constructed at the edge of the town, and it is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations. However, densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations (as defined in Table 3.8). The Compact Settlement Guidelines indicates that the NTA's Public Transport Accessibility Level (PTAL) tool will provide detail of public transport accessibility at settlement level and should be used to support the preparation of statutory development plans at a settlement level and in the consideration of individual applications. When examining the PTAL tool, it is evident that the site lies partially within an area defined as having a 'medium-high level of service', which is the highest level of service recorded within the town of Drogheda. Given the overall density of development proposed, its public transport accessibility and the location of the site within walking distance of a range of services, facilities and amenities within Drogheda town centre, I am fully satisfied that the density of development is appropriate at this location, is in compliance with local through to national policy and will result in a more efficient and sustainable use of a zoned and serviced site at location within the settlement boundary of this Regional Growth Centre.

7.2. Residential Amenity

7.2.1. The appeal site is located within an established residential area, and I note that the site has a number of sensitive interfaces, notably along the site's eastern boundary, where it abuts the rear boundaries of the properties within Anneville Crescent. The Anneville Crescent Residents Association are the appellants in this case and concerns have been raised with respect to the overall scale and height of proposed development and the lack of adequate boundary setbacks. It is their view that the proposed development will adversely impact the residential amenity of their properties by reason of overlooking, overshadowing, loss of daylight/sunlight and by reason of being

visually overbearing.

7.2.2. In terms of the policy of the current CDP, Section 13.8.9.1 (Privacy) notes that residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area. It states that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. This policy is largely echoed in SPPR 1 (Separation Distances) of the Compact Settlement Guidelines which indicates that when considering a planning application for residential development, a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. As noted, Block A has a linear form and is set back by between c. 4.7m and c. 6.1m from the eastern site boundary. I note that a minimum separation distance of c. 21.5m is provided between the above ground floor level windows on the eastern elevation of Block A and the rear windows of the properties within Anneville Crescent. Whilst I accept that the Applicant is benefiting in this instance from the size of the amenity areas serving the Anneville Crescent properties, I note that the proposal is compliant with the requirements of both the current CDP and the Compact Settlement Guidelines. In addition, I note that the development has been designed to limit the extent of fenestration on this elevation where possible, and the terrace on the eastern side of the building (i.e. serving Unit No. 7) has been screened to a height of 1.8m above finished floor level. In terms of the properties to the south of the site, there are no windows on the southern elevation of the block which could give rise to overlooking of neighbouring properties. Overall, I am satisfied the development is acceptable and undue overlooking of properties within the vicinity of the site will not arise. However, it is my recommendation that the glazing within the windows serving the bathrooms, store rooms and ensuites on the eastern elevation shall be manufactured opaque and permanently maintained.

7.2.3. Block B is located within the northern portion of the site and the 3 storey element of the block is set back a minimum of c. 6m from the eastern site boundary. Whilst the separation distance between the block's eastern elevation and the rear of the properties on Anneville Crescent fall below the minimum standard at its northern end,

from an examination of the floor plans submitted by way of further information, there are no above ground floor windows on the eastern elevation of this block that could give rise to overlooking of the neighbouring properties. However, I note that the eastern side elevation appears to depict 2 no. windows at second floor level. This would appear to be a drafting error which should have been omitted when the revised plans were submitted. A condition should therefore be included which requires the submission of an updated elevation to clarify this discrepancy. I note that the subject site also shares a portion of its northern (rear) boundary with an amenity space of a property within Anneville Crescent. In order to preclude direct overlooking of the neighbouring properties, angled windows (north-west) have been provided on the first and second floor rear elevation. Overall, I am satisfied that this design feature will ensure that direct overlooking is precluded, and the residential amenity of nearby residences shall be maintained.

7.2.4. In terms of the scale of development and its visual impact, Block A has a total length of c. 31m and as noted, a minimum of setback of c. 4.7m is provided from the eastern elevation. Whilst concerns have been raised by the residents within Anneville Crescent, I note that the scale and overall massing of the building has been articulated through the provision of a graduated building height and a visual break within the roof of the 3 no. storey element of the block. In addition, the scheme has adopted a carefully considered palette of materials and finishes, including the use of brick on the eastern elevation which is durable and will soften the presentation of the building when viewed from the amenity areas of the properties to the east. In terms of Block B, the eastern elevation has a length of c. 13m and as noted, the 3 no. storey element of the block provides a minimum setback of c. 6m from the eastern boundary. However, it is noted that Block B has a height of c. 13.15m and therefore exceeds the height of Block A by c. 1.2m. From an examination of the plans and particulars, it would appear that the additional height is due to the provision of a more acute pitch in the block's roof. No justification has been provided for the additional height at this location and given the location of the block relative to the adjoining properties, it is my view that the Applicant should be required to reduce the height of Block B so that its height matches that of Block A. This could be addressed by way of condition. Subject to compliance with this condition, I am satisfied that the proposal is acceptable having regard to the

residential amenity of the neighbouring properties.

7.2.5. I note that concerns have been raised by the appellant regarding the potential for overshadowing of their rear amenity spaces and the impact of the development in terms of loss of daylight/sunlight. It was acknowledged within the Planning Authority's initial assessment that the development may result in a degree of overshadowing of the properties to the east in the evening time. However, having regard to the orientation of the site and the proposed layout, together with the modelling provided within the Daylight Study, the Planning Authority was satisfied that the proposed development would not result in an adverse impact on the residential amenity of the Anneville Crescent properties or the properties to the south of the site fronting North Road. Section 13.8.10 of the current Plan notes that care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The policy notes that the European Daylighting Standard is set out in EN17037:2018. In addition, the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) are referred to. The policy goes on to note that these publications and any relevant future standards or guidance specific to the Irish context shall be utilised in ensuring the recommended standards of daylighting in new developments are provided. Section 5.3.7 (Daylight) of the Compact Settlement Guidelines also highlights the importance of safeguarding against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties.

7.2.6. In support of the application, the project architect prepared a Daylight Study for the proposed development and included a series of shadow modelling for the months of December, March and July at 8am, 12pm and 4pm intervals. I note that the Planning Authority based their assessment on this modelling and as noted, were generally satisfied that the overshadowing impacts were negligible, and the proposal was therefore acceptable. However, concerns were raised by Planning Authority with respect to the daylight access to the north facing rooms within Block B and the Applicant was requested to demonstrate compliance with the relevant BRE Standards. In support of the further information response, the Applicant submitted a Daylight and Sunlight Assessment of the proposed development prepared by a specialised

consultant. This assessment not only analysed the daylight provision within the development, but also assessed the potential impact of the development on neighbouring properties in terms of access to skylight, access to sunlight and sunlight to gardens/open spaces. In addition, Appendix C of this assessment provided a series of shadow imagery for the proposed development for March 21st (i.e. equinox) and June 21st at hourly intervals. It is indicated within their report that the shadow plots are purely illustrative (as opposed to other quantitative or quantitative metrics used in the analysis). However, it is evident that there was an error in this documentation as the imagery provided for the 'proposed' scenario in March is in fact the 'proposed' scenario for June and the proposed' scenario for March had been omitted in its entirety. In support of the appeal, a response has been provided by the author of the Daylight and Sunlight Assessment and this error has been acknowledged. However, it is reiterated that the shadow images provided are purely illustrative and do not in themselves indicate any significant adverse impact. It is unclear whether the Planning Authority was aware of this error as it is indicated within their second report on file that the greatest impact on neighbouring properties to the east would occur on the 21st June. I note that this is unlikely given that time of year and typically reduced overshadowing impacts during the summer months. An updated Daylight and Sunlight Assessment now accompanies the appeal which rectifies this error and updated imagery has been provided. However, it is important to note that there is a significant difference in the shadow imagery provided for March in the updated analysis when compared against the imagery submitted within the original Daylight Study (i.e. prepared by the project architect). When comparing the March imagery in both, the impacts at 4pm are much more pronounced in the updated analysis in terms of the extent of shadows cast over the amenity areas within Anneville Crescent in the late afternoon period. It is also evident that 12pm shadow imagery in the original analysis is clearly incorrect given the direction of the shadows.

7.2.7. Notwithstanding the foregoing, I accept that shadow imagery is not a quantifiable metric to assess the impact on sunlight to the gardens in this instance. The relevant BRE Guidelines recommend the 2hr sunlight test to quantity the degree of impact of a development on neighbouring gardens. The BRE Guidelines (BR209) defines this as follows:

- ‘It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable.’

Section 4.2.2 of the Applicant’s Daylight and Sunlight Assessment examines the impact of the development to neighbouring gardens and the analysis provided in Tables 17 and 18 demonstrate that all the amenity areas receive sunlight levels which comply with the recommended BRE Guidelines. The most significant impact is to the rear amenity spaces of Nos. 27-28 Anneville Crescent. This is likely due to the position and siting of these amenity areas relative to Block B (i.e. north to north-east). However, as noted previously in this report, I have included a recommendation to reduce the overall height of Block B by c. 1.2m so that it aligns with the height of Block A. Subject to compliance with this condition, it is considered that the potential impacts will be further reduced in terms of both sunlight access and overshadowing. Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the relevant BRE Guidelines and is compliance with Section 13.8.10 of the current Plan and is therefore acceptable in my view.

7.2.8. The Applicant’s Daylight and Sunlight Assessment notes that any reduction in the total amount of skylight for the existing properties can be calculated by finding the Vertical Sky Component (VSC) at the centre of each main window. VSC is a measure of the amount of light reaching a window and it is the ratio of that part of illuminance, at a point on a given vertical plane, that is received directly from a CIE standard overcast sky, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. As per the BRE Guidelines, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. A VSC analysis has been performed for the closest neighbouring properties, including the properties to the east of the site within Anneville Crescent, the results of which have been provided in Table Nos. 7-15 of the assessment. The assessment concludes

that all bar 2 no. windows have VSC values either greater than 27% or a VSC value no less than 0.8 times its former value with the development in place. The report highlights that there are 2 no. windows at ground floor level within No. 29 Anneville Crescent that have been attributed a marginal pass as the VSC is above 0.76 its former value and the proposed VSC values are 23.94% and 25.22%. It is therefore concluded that the proposed development will have a minor adverse impact on skylight to No. 29 Anneville Crescent. Overall, I am satisfied that the impacts to neighbouring properties in terms of access to skylight is negligible and I also note a reduction in the height of Block B as discussed above will further mitigate the impact to No. 29 Anneville Crescent given the siting of the proposed block relative to this property. In this regard, I am satisfied that the proposed development is acceptable, and the residential amenity of neighbouring properties will be preserved.

7.2.9. Construction related impacts, including noise and air pollution and its impact on human health have been raised as issues within a number of third party submissions to the original application. Given the scale of development proposed and its location relative to existing residents, it is my view that a condition should be included which requires the submission of a detailed CMP prior to the commencement of development. Whilst a requirement for a CMP has also been conditioned by the Planning Authority, the CMP should provide details of the intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. In addition, a condition should be included which stipulates that site development and building works shall be carried out between the hours of 7am to 7pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays. Subject to compliance with these conditions, I am satisfied that the existing amenity of neighbouring residents will be preserved during the construction phase of the proposed development.

7.2.10. In terms of the amenity of the units within the development, the floor areas for the apartments within Block A range from between 56.75sq.m. to 57.7sq.m. for the 1 no. bedroom units and between 104.3sq.m. to 109.6sqm for the 2 no. bedroom apartments. In the case of Block B, the floor areas range from between 68.3sq.m. (2 bed, 3 person unit) to 73.95sqm for the 2 no. bedroom apartments and 127sq.m. for

the 3 no. bedroom units. Having examined the plans and particulars, it is evident that the apartments within the proposed development are in compliance with the relevant Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines in terms of housing mix (SPPR 1 & 2), minimum floor areas (SPPR 3), dual aspect (SPPR 4) and floor to ceiling heights (SPPR 5). In addition, the proposal meets the minimum recommended standards with respect to internal storage and private amenity space. The proposed development was also amended at further information stage to provide an additional storage area for bulky items (i.e. dedicated storage for Block A). Overall, I am satisfied the apartments within the proposed development and their respective terraces/balconies will afford a good standard of amenity to its future occupants and are therefore acceptable.

7.2.11. I note that one conventional house is proposed as part of the scheme which adjoins the southern end of Block A. This dwelling (i.e. Unit No. 1) has a floor area of 106.95sq.m. and is therefore in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government) and the provisions of the current CDP. The internal layout of the dwelling is well proportioned with a ground floor kitchen/dining which has direct access to its principal amenity space. The dwelling is served by dedicated private amenity space in the form of rear garden with an area of 50sq.m. and therefore exceeds the relevant development management standard as set out in Table 13.4 (Private Open Space Requirements) of the current Plan. In this regard, I am satisfied that the development is designed to an acceptable standard and will generally afford a good standard of amenity to its future occupants.

7.3. Visual Impact & Built Heritage

7.3.1. As noted, the appeal site is located to the rear of Nos. 47 & 50 North Road and is accessed by an existing entrance between the 2 no. properties. Under the current CDP, No. 47 North Road is a designated Protected Structure (DB-310; NIAH Reference 136106003) and the project architect has prepared an Architectural Impact Assessment which has accompanied the application. I would agree with the Planning Authority that the report has been prepared by a competent person (i.e. RIAI Conservation Practice Grade III). No. 47 North Road consists of a two storey end-of-

terrace dwelling at the entrance of a half-acre former farm yard, now carpark, with one outbuilding and paddock. The building forms part of a terrace of three two storey houses (Nos 47 – 49 North Road) which are accessed directly from the street. The appeal site would have historically formed part of the curtilage (i.e. former farmyard area) of the Protected Structure and is now partially in use as a carpark, serving an existing office and the 3 apartments at No. 50 North Road and the house at No. 47 North Road. It is noted that the remainder of the site (approximately 50% of the depth of the site) to the rear is grass/ground cover vegetation and was formerly used as a paddock. A number of buildings associated with the former agricultural use were demolished under a previous grant of permission (i.e. Ref. 20/45) and I note that works to refurbish No. 47 North Road were also granted under the same permission.

7.3.2. In terms of the current proposal, permission has been sought for the demolition of the 2 no. remaining outbuildings on the site and the construction of 2 no. linear blocks comprising a total of 13 no. residential units. The appellant in this instance has raised concerns regarding the impact of the proposal on the neighbouring Protected Structure and its setting due to the overall scale, height and form of the development. Similar concerns had been raised by a number of Third Party observers during the course of the application. It is now the appellant's contention that the development would create an unsympathetic and visually discordant juxtaposition which would undermine the Protected Structure's architectural prominence and historical significance. In addition, it is their view that the proposed development contravenes the relevant legal protections afforded to Protected Structures. I note that a response to the concerns raised within the appeal have been provided by the Applicant's consultant planner and the project architect. As noted, it is proposed to demolish an existing agricultural outbuilding located in the south-eastern corner of the site. This is a two-storey concrete block structure (partially rendered on the front elevation) with a corrugated metal sheeted pitched roof. In addition, it is proposed to demolish a single storey structure with a mono-pitched roof located adjacent to the northern site boundary. This structure is of a more domestic scale and the details of which are provided on Drawing Nos. SU-02 & SU-03 respectively. It is evident from reviewing the historical mapping associated with the site and the information provided within the Architectural Impact Assessment that the structures are of a more recent construction and are of a limited

architectural or heritage value. Overall, I am satisfied that their demolition is acceptable in this instance and it will not adversely impact or detract from the character of the Protected Structure and its setting/curtilage.

7.3.3. It is an objective of the current CDP (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'. As detailed in Section 1.4.5 of the Architectural Impact Assessment, Anneville Avenue linked Boyne View House (now demolished) on the North Road with Anneville House on Windmill Road and the remnants of this tree line avenue is located within the site and to the north of No. 50 North Road. Section 5 of the submitted Architectural Impact Assessment provides an impact assessment of the proposal on the historic fabric and setting of the Protected Structure. It is indicated that the form of the original Anneville Avenue (No. 50 North Road) has been preserved with the original walls retained in-situ and the provision of a new marker slab (Section 4.2 of Architectural Impact Assessment). I also note that the trees to the rear of No. 50 North Road have been retained where possible and integrated into the scheme's communal open space area. In terms of the development's scale and relationship with the existing Protected Structure, a separation distance of c. 20m is provided between the rear of the two storey element of the building and the southern end of Block A. A graduation in height has also been proposed, whereby Block A has a height of between 2 – 3 storeys. Block B is substantially set back within the site, with a separation distance of c. 59m provided between it and the existing Protected Structure. Whilst I accept that the blocks will be visible from certain vantage points on North Road (i.e. to the west and north-west), I am fully satisfied that the design and massing of the proposed development is sympathetic to character of the Protected Structure and its setting and an appropriate transition in scale and height has been provided throughout the site. In addition, the development has proposed a carefully considered palette of materials and finishes which utilise high quality and durable materials such as brick. A condition has been included by the Planning Authority which requires full details of the chosen brick material to be submitted for written agreement prior to the commencement of development. Overall, I am satisfied that the scheme

has been the subject of an iterative design process which has had regard to the historical significance of the neighbouring Protected Structure. In my view, the proposed development is therefore in accordance with the pertinent policy of the current CDP and is acceptable having regard to the visual amenity and architectural heritage of the site and surrounding area.

7.4. Access & Parking

Access

7.4.1. It is indicated within the Applicant's Transport Statement that access to the proposed development is to be taken from North Road, utilising an entrance that was granted approval under a separate planning application (Ref. 20/45). It is indicated that the altered access consolidated two individual access points into a single access point, between No. 47 North Road and No. 50 North Road. The approved access provides a STOP controlled minor access arm (onto North Road) with a 5.5m wide carriageway (e.g. local street) and footpath connection adjacent to No. 47 North Road, meeting DMURS design guidance. In addition to serving the proposed development, the altered access provides access to 9 no. existing car parking spaces located along the eastern side of the existing office building. It is noted that the majority of the spaces are for existing office use with 4 no. spaces allocated to the existing residential uses (including 1 space for No. 47 North Road).

7.4.2. It has been highlighted within the grounds of appeal that the proposed development would lead to increased congestion, decreased road safety and an overall decline in the quality of life for residents. In terms of the scheme's predicted traffic generation, the Applicant's Transport Statement indicates that the proposed development could generate 7 trips in the AM peak hour and 7 trips in the PM peak hour based on the relevant TRICS trip rates. Noting the 9 no. existing car parking spaces, it is contended that trip patterns for these spaces would be expected to be at similar peak hours as the proposed. Therefore cumulatively, this could result in 16 trips in a peak hour, or a vehicle movement every c. 4 minutes. In addition, I note the accessible location of the site within walking distance of Drogheda town centre and its access to public transport, with existing bus services running along North Road (see Table 3.1 of Transport Statement). This includes an existing bus service which provides a link to Drogheda

Train Station (Bus routes D4 & D5). In addition, mobility measures including adequate cycle parking provision and the provision of Sustainable Travel Information Pack are proposed which will promote active travel and reduced car dependency. Given the overall scale of development, I would agree with the Applicant that the proposed development is likely to have a minimal impact on existing traffic levels and is therefore acceptable in this regard.

7.4.3. In terms of sightlines, concerns had been raised by the appellant regarding the adequacy of the proposed visibility splays at the entrance to the site and it is their contention that the proposal in its current form constitutes a traffic hazard. Within their grounds of appeal, reference is made to a requirement for a sight line of 75m in each direction of the site's entrance. A response to the appeal has been provided by the Applicant's consulting engineer who confirm that the minimum visibility splay standards set out in DMURS (Table 4.2) for a road with a posted speed limit of 50km/h would require a 'x' dimension of 2.4m and a 'y' dimension of 49m. The visibility splays, as previously permitted under Ref. 20/45 are illustrated on Drawing No. 2019 C454/2 v1.0. Section 3.2 of the Applicant's Transport Statement also indicates that that double yellow lines will be placed at the junction bell mouth to ensure car parking does not interfere with visibility splays at the junction. It is acknowledged by the Consulting Engineer that the on street parking area to the north of the entrance marginally encroaches into the north visibility splay. However, it is confirmed that this does not require the removal of the existing on street car parking space and I note that the Planning Authority have raised no issue with this aspect of the proposal. Overall, I am satisfied that the proposal is in accordance with the relevant requirements of DMURS, that adequate visibility splays in each direction have been demonstrated and the proposed development would not represent a hazard to traffic and vulnerable road users. The proposal is therefore acceptable in my view.

7.4.4. The appellant has also raised concerns regarding the provision of a pedestrian footpath on only one side of the access road serving the development and in their view is contrary to the requirements of DMURS. Whilst the Applicant's consulting engineer acknowledges that footpaths are typically provided on both sides of roads within urban areas, it is highlighted that the main destinations within the site are located along its

eastern side. In this regard, continuous pedestrian facilities have been provided along the eastern side of the site which will follow the pedestrian desire lines for residents of the scheme. I also acknowledge the infill nature of the site, its overall size and its constraints, namely the presence of the existing structures on either side of the entrance (i.e. Nos. 47 & 50 North Road) which limits the opportunity to provide an additional footpath. Further to the above, the appellant has noted concerns regarding the restricted width of the proposed pedestrian footpath. As per Section 4.3.1 (Footways, Verges and Strips) of DMURS, minimum footway widths are based on the space needed for two wheelchairs to pass each other (1.8m). In their response to the appeal, the Applicant's Consulting Engineer acknowledges that some localised narrowing of the footpath is necessary adjacent to the site access. At its narrowest, the footpath has a width of 1.2m (where the site footpath meets the existing footpath on North Road) before increasing to 1.4m at the proposed pedestrian gate and up to 2m beyond the pedestrian gate. The response refers to the 'Building for Everyone: A Universal Design Approach provides best practice guidance on design layouts and buildings and was produced by The Centre for Excellence in Universal Design (established by the National Disability Authority)'. Whilst 2m wide footpaths are generally recommended, it is stated that a minimum footpath width of 1.2m can be provided over short sections if wider widths are constricted by existing trees, walls, etc (Section 1.5.1, pages 37-39). It also notes that passing places should be used which are within a maximum 25m of each other and within sight of each other. In this instance, the section of footpath under 2m is c. 13m in length and has a straight alignment and therefore good forward visibility for pedestrians. Given the layout and scale of the development, the overall length of the restricted width of the footpath and its alignment, I am satisfied that the proposed development provides safe access for pedestrians and vulnerable road users. The proposed development is therefore acceptable in my view.

Parking

7.4.5. The proposed development seeks to provide a total of 10 no. surface level car parking spaces to serve the 13 no. residential units. Section 13.16.11 (Parking Standards that Reflect the Demand and Location) of the current CDP notes that it is appropriate that the car parking requirements in the towns and villages in the County is reflective of the

accessibility and connectivity of the settlement in addition to the existing and planned investment in public transport and active travel for the area/settlement. Therefore, taking account of the various levels of connectivity and public transport availability in the County, parking standards have been tiered. The Applicant's Transport Statement indicates that the site is located in 'Area 1' where the maximum standard of 1.5 spaces per residential dwelling (including duplex units) and 1 space per apartment is applicable. Therefore, it is their view that the development results in a shortfall of 3 no. spaces. However, this analysis fails to acknowledge that the proposal provides 6 no. duplex units and one house and therefore would result in a shortfall of 6.5 no. spaces (i.e. 16.5 spaces based on the maximum standard) as per Table 13.11 (Car Parking Standards) of the CDP. To clarify, the subject site is also not located within 1km walking distance of Drogheda Train Station and therefore does not fall within 'Area 1'. Nonetheless, the same standards apply within 'Area 2' which I have discussed above, and the proposal therefore results in a shortfall of 6.5 no. spaces. Whilst concerns have been raised by Third Party observers during the course of the application regarding the adequacy of the onsite car parking provision, I note that Section 13.16.12 (Car Parking Standards) of the current CDP indicates that a reduction in the car parking requirement may be acceptable depending on the location of the site, the public transport links, parking availability within the surrounds etc. It is noted within the Transport Statement that each car parking space will be numbered and allocated to a particular dwelling, and it is not proposed to allocate any to the 3 no. one-bed apartments within Block A. Furthermore, the proposal provides 28 no. long stay residents cycle parking spaces and 14 no. short stay/ visitor cycle parking spaces which exceed the minimum standards prescribed in Table 13.12: Cycle Parking Standards of the current CDP. Having regard to the accessible location of the site, its transportation links and the proposals which seek to promote active travel and reduce car dependency, I am satisfied that a reduction in the car parking requirement is acceptable and appropriate at this location and the proposed development will not result in undue on street car parking pressures.

7.5. Landscaping, Open Space & Biodiversity

7.5.1. As noted, there are a number of mature trees located within the north-western portion of the site. These trees are located to the rear of No. 50 North Road and have some

historical significance given they lined what was formerly Anneville Avenue, as discussed within the Applicant's Architectural Impact Assessment. A Tree Survey and Report prepared by a consultant arborist accompanies the application and was commissioned to record information on trees growing on or immediately adjacent to the site. In addition, a separate 'Tree Removal Plan' and schedule prepared by the project architect has been submitted. From an examination of this plan, a total of 7 no. trees (T3, T5, T10, T15, T12, G8, G16) and 1 no. hedge (H18) is proposed to be removed within the north-western portion of the site which is necessary to facilitate the construction of Block B. I note that the majority of the trees are identified as category B1 trees which denote a tree of moderate quality. During the course of the application, the Applicant's landscaping proposals were revised and the planting schedule updated to provide native and pollinator friendly species and it was confirmed that the number of replacement trees will be increased to a ratio of 5:1 in accordance with Section 13.8.12 of the current CDP. This response was deemed to be acceptable to the Planning Authority. Whilst I accept that the Applicant has sought to maximise the retention of the trees on site, notably around the site's periphery, I note that various works are proposed within close proximity to a number of mature trees. This includes the provision of hard and soft landscaping, cycle parking and part of the internal access road. Therefore, as a measure to safeguard the ongoing viability of the existing trees which are to be retained, it is my recommendation that a condition be included which requires the Applicant to engage a consultant arborist for the duration of the project and prepare and submit a detailed Tree Protection Plan for the proposed development. Subject to compliance with this condition, I am satisfied that that the extent of tree removal across the site is acceptable subject to the implementation of the landscaping proposals as discussed above.

7.5.2. In terms of open space for the proposed development, it is confirmed by the Planning Authority that the main area of communal open space is situated within the north-western corner of the site and will comprise of a grassed area, tree planting, a pathway and park benches. On the basis of the standards prescribed in the Apartment Guidelines, the proposal would generate a requirement to provide a total of 90sq.m. based on the unit mix proposed. Although a total communal open space of c. 80sq.m is proposed, the Planning Authority had regard to Section 4.12 of the Apartment

Guidelines which notes that 'For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality'. In this regard, they were satisfied that a reduction in the standard was deemed to be acceptable given the quality of this open space and the overall size of the site. Whilst typically a more centrally located open space area would be preferable, I note that the open space area will be integrated into the area of the site where the existing mature trees will be retained which will enhance the amenity of the space. In addition, fenestration has been provided on the western elevation of Block B which will provide passive surveillance. I'm also conscious of the overall size of the size and the challenges in providing a more centralised open space area. I am therefore satisfied the Applicant's proposals are acceptable and will provide a good standard of amenity to its future occupants. I note that the matter of public open space does not appear to have been addressed in the Planning Authority's assessment. As per Section 13.8.15 (Public Open Space) of the current CDP, it is policy for public open space provision in the range of 10-15% of the net site area to be provided for residential developments. However, it is recognised in the policy that there will be circumstances where there will be challenges in providing the required public open space. This will be particularly prevalent on infill and brownfield sites in centrally located areas in towns and villages where the plot size and/or site dimensions can reduce the opportunities for providing public open space. The policy goes on to note that in such circumstances, the Planning Authority will consider setting aside or reducing the public open space requirement within a development. Having regard to the accessible location of the subject site within walking distance of a range of facilities and amenities, the overall size of this infill site and the provision of good quality communal open space as discussed above, I am satisfied that the non-provision of public open space is acceptable in this instance. The proposed development is therefore acceptable in my view.

7.5.3. I note that concerns have been raised by an appellant with respect to the impact of the proposed development on the local bat population. It was also the view the appellant that the surveys undertaken were inconclusive and inadequate to properly inform the Bat Assessment. Bats are protected by Irish and EU law and to prevent unlawful injury or death and it is contended that the Applicant has not provided

sufficient evidence to demonstrate compliance with these legal obligations, thereby jeopardizing the protection of the endangered bat species. It is detailed within the Applicant's Bat Assessment that the site was examined for the presence of bats on the 30th to 31st August, 2021. In terms of the methodology, the survey involved an examination externally of all buildings and trees (from ground level), internal examination of all buildings and a bat detector assessment of all buildings and trees by two surveyors for 1.5 houses prior to sunset and again prior to sunrise for 1 hour. Each surveyor walked around the site watching for the appearance of bats or for the pre-emergence behaviour associated with roosts of greater than one bat and each surveyor noted the time and location of bat activity and the emergence or return of bats to any structure within the grounds. A Static monitor (a Songmeter Mini Bat) was also placed to the rear of the buildings and recorded throughout the entire survey period. It is indicated within the report that there were no constraints for the survey, and it was undertaken at an ideal period of the year for a bat survey and in suitable weather conditions. In terms of the results of the survey, no bat roosts were recorded on site. Mature trees, archives building and the farm building offered roost potential within the site. Species of bat recorded within the site included:

- Common pipistrelle *Pipistrellus pipistrellus*, and,
- Soprano pipistrelle *Pipistrellus pygmaeus*

It is indicated that bat activity was relatively low over the entire site but there was a concentration of pipistrelle activity around the mature trees, primarily common pipistrelle with high soprano pipistrelle bat activity early in the night and in particular prior to sunrise.

7.5.4. The Applicant's assessment identifies potential impacts associated with the proposed development which include potential death or injury during demolition or tree felling, potential roost loss, disturbance from lighting and reduced feeding. However, it is anticipated that the proposed development will have no direct measurable impact upon the conservation status of any bat species following the implementation of the proposed mitigation measures detailed in Table 7.1 below.

Table 7.1: Mitigation Measures

Examination of the	A bat specialist shall inspect the buildings for evidence of roosting bats prior

buildings for evidence of bats prior to demolition	to demolition. Where there is doubt relating to the absence of bats, a bat activity survey shall be undertaken to confirm the absence of bats. If bats are present, a derogation to destroy a bat roost shall be sought from NPWS. If all the requirements are met by an application and a derogation is approved, any bats present shall be removed to safety by a licensed bat specialist to allow work to be carried out. Bats must be released in the immediate area once measures are in place to prevent return prior to completion of any work that would endanger the bats. This would require further mitigation measures to meet the derogation requirements.
Timing of felling / surgery and Checking of all suitable trees by a bat specialist prior to felling or surgery	All trees shall be checked by a bat specialist prior to felling or surgery. All trees with roost potential shall be felled between September and November to ensure that bats are not breeding or hibernating within trees and to ensure that nesting birds are unaffected (March 1st to August 31st). If trees are proposed for removal at any other time, a through bat survey shall be undertaken to check all possible crevices, cavities, ivy etc. The trees that will be felled are a beech and a birch. These are the highest priority for checking. Removal of ivy and other procedures shall be undertaken following an assessment of the trees by a bat specialist and specific stipulations relative to the trees concerned.
Bat boxes	While no bats were roosting within the trees within the active survey in August 2021, the trees are still potential roosts. It is proposed that 3 x 2F Schwegler bat boxes shall be provided within the site (in unlit areas including on the remaining trees at least 3 metres above ground level with no surrounding clutter – branches, bramble etc.).
Planting of vegetation	Where there is an opportunity to provide vegetative cover, some native and local plant species should be employed such as dog rose with an encouragement of species such as Clematis, Hebe, night-scented stock, Nicotiana and other species attractive to moths. The retention of as much of the existing trees as possible is recommended including surgery in preference to felling wherever feasible.
Lighting	Lighting should be controlled to avoid light pollution of green areas and should be targeted to areas of human activity and for priority security areas. Motion-activated sensor lighting is preferable to reduce light pollution. Areas such as the mature trees must be protected from illumination from roads and housing. This may be achieved through cowls and appropriately directed lighting. No lighting should exceed 3 lux along the treetops of the remaining trees (and those trees to be planted when mature).

7.5.5. It is acknowledged that there will be a slight reduction in the availability of lands to bats

due to increased building density and there will be some loss of feeding due to tree and vegetation loss. Nonetheless, I am conscious of the comprehensive scheme of landscaping proposed and the proposals for the installation of bat boxes within the site. Overall, I am satisfied the Applicant's assessment is robust and the proposed development will have negligible impact on local bat species. However, it is my recommendation that a condition be included which requires the preparation of a lighting design for the site which has been designed in conjunction with the Bat Specialist. This lighting design shall be signed off by the Bat Specialist and submitted to the Planning Authority for written agreement prior to the commencement of development. The proposed development is therefore considered to be acceptable in my view, subject to compliance with appropriate conditions.

7.6. Appropriate Assessment

7.6.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required. Further detail is included within Appendix 2 of this report.

7.6.2. This conclusion is based on:

- Objective information presented in the Habitats Directive Screening Report and the various documentation supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

7.6.3. I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.0 Recommendation

8.1.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1.1. Having regard to:

i. The site's location on lands with a zoning objective for residential development, and the policy objectives and provisions in the Louth County Development Plan, 2021-2027 (as amended) in respect of residential development,

ii. The nature, scale and design of the proposed development which is consistent with the provisions of the Louth County Development Plan, 2021-2027 (as amended) and appendices contained therein,

i. The location and specific characteristics of the site and the pattern of development in the surrounding area,

ii. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

iii. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,

iv. Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

v. To the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

vi. Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022), and,

vii. To the submissions and observations received during the course of the application,

it is considered that, subject to compliance with the various conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be of a scale, design and form which is responsive and sympathetic to the character and setting of the neighbouring Protected

Structure, would not result in traffic congestion or constitute a hazard to road users, would not unduly impact the ecology of the site and would comprise an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 7th day of March 2024, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
   Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
   a. The overall height of Block B shall be reduced so that it matches that of Block A.
   b. The glazing within the bathrooms, ensuites and store windows on the eastern elevation of Block A shall be manufactured opaque and permanently maintained.
   c. The windows to the front elevation of Block A serving the bedroom of Unit No. 3 & 4 shall have standard, clear glazing.

   Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved. A sample of brick finish to be used shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. Brick shall be used on the elevations as indicated in the plans

and Building Life Cycle report submitted. Extended areas of render shall not be permitted to reduce maintenance costs. Furthermore, the Applicant shall submit a revised eastern elevation of Block B which corresponds with the floor plans for Block B submitted on 7th March 2024.
Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

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

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.
Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

6. 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 provide for the satisfactory future maintenance of this development

in the interest of residential amenity.

7. The applicant shall implement all the recommended mitigation measures included in the Bat Assessment (submitted on 25th April 2023). Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall detail and have regard to the various mitigation measures included within the submitted Bat Assessment. The agreed CEMP shall be implemented in full in the carrying out of the development.
   Reason: In the interest of environmental protection.

8. Landscaping
   a. The landscaping scheme shown on the application drawings shall be implemented within the first planting season. 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 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
   b. The development shall comply with the Tree Survey Report and Tree Removal Plan received by the Planning Authority on the 25th April 2023. No tree felling or vegetation removal shall take place during the period 1st March to 31st August.
   c. As a measure to safeguard the ongoing viability of the existing trees, the Applicant shall engage a consultant arborist for the duration of the project. Prior to the commencement of development, the consultant arborist shall prepare and submit to the Planning Authority, a detailed Tree Protection Plan for the trees on site which are proposed to be retained.

d. The existing native hedgerow along the boundaries of the site shall be permanently retained as illustrated on the revised Landscaping Plan prepared (Drawing No. Mc635- FI-08) received by the Planning Authority on the 7th March 2024.

Reason: In the interest of residential and visual amenity.

9. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.
   Reason: To provide for the satisfactory future maintenance of this development.

10. Prior to the commencement of development, the Applicant shall submit to the Planning Authority, a revised Outdoor Lighting Report (and associated plans) which has been signed off by the project's Bat Specialist and shall implement the relevant mitigation measures outlined in the Bat Assessment (submitted on 25th April 2023).
    Reason: In the interest of orderly development and environmental protection.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a detailed Construction Management Plan (including Traffic Management Plan), which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
    Reason: In the interest of public safety and amenity.

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 proper planning and sustainable development.

13. Transportation

a. Prior to the commencement of development, the developer shall submit a drawing for the written agreement of the Planning Authority, outlining where the vehicular entrance crosses the pedestrian footpath and shall submit details indicating the formation of an upgraded dished vehicular access constructed in accordance with “Traffic Management Guidelines”, 2003, issued by the Department of the Environment and Local Government (DOELG). The ramps shall be constructed from grade C30 concrete, minimum 150mm thick with A393 mesh reinforcement top and bottom. Surface of ramps to be brushed to form a non-slip finish.

b. Prior to the commencement of development, the developer shall submit a revised drawing for the written agreement of the Planning Authority indicating the provision of:

    i. An automated internal barrier system to prevent unauthorised vehicles from accessing the car park within the development and to the adjoining office building;

    ii. An automated pedestrian warning system to alert pedestrians of vehicles exiting the development onto the North Road, Drogheda.

c. Prior to the occupation of any unit within the development, all car parking spaces, roadways and footpaths serving the said unit(s) shall be finished with a permanent durable surface course. The roadway shall be applied with line marking and road signage as per furnished drawings.

Reason: In the orderly development and traffic safety.

14. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.
    Reason: To prevent flooding and in the interests of sustainable drainage.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.
    Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

16. Site development and building works shall be carried out between the hours of 7am to 7pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.
    Reason: To safeguard the amenity of property in the vicinity.

17. Proposals for the name, house numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. 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.

18. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement, the procedures for inspection and monitoring of the development by the Planning Authority to ensure compliance with these standards.
    Reason: To ensure the development is carried out and completed to an

acceptable construction standard.

19. 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. All existing overground cables shall be relocated underground as part of the site development works.
    Reason: In the interests of visual and residential amenity.

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

21. 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.

22. 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 or 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.

Enda Duignan
Planning Inspector

10th February 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319594-24
Proposed Development Summary	Development comprising the construction 13 no. residential units and all associated site works.
Development Address	Nos. 47 & 50 North 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**	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)?

Yes		Class 10(b)(i)	Proceed to Q.3
No	X		No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?

		Threshold	**Conclusion**
Yes		Class 10(b)(i) 500 residential units	EIA Mandatory EIAR required
No	X		Proceed to Q.4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) 500 residential units 13 no. dwellings proposed under the current scheme.	**Preliminary Examination required**

5. Has Schedule 7A information been submitted?		
No	X	**Pre-screening determination conclusion remains as above (Q1 to Q4)**
Yes		**Screening Determination required**

Inspector: _____ **Date:** 10th February 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319594-24
Proposed Development Summary	Development comprising the construction 13 no. residential units and all associated site works.
Development Address	Nos. 47 & 50 North Road, Drogheda, Co. Louth.

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.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	**Yes/No/ Uncertain**
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment. Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development is for a residential development within the settlement boundary of Drogheda which has a significant number of existing residential and commercial developments. The site is connected to public services and is consistent with the pattern of development in the area.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?		No

Are there significant cumulative considerations having regard to 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? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No designations apply to the subject site. The development would be connected to the public wastewater services.	No No
• **Conclusion**		
There is no real likelihood of significant effects on the environment. EIA not required.		

Inspector:_____ **Date:** 10th February 2024

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

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Habitats Directive (i.e. AA) Screening Report prepared by Whitehill Environmental dated March 2023 was submitted with the application. In addition, I note that the application was supported by a Bat Assessment and a Tree Survey. The objective information presented within the documents informs this screening determination.

The address of the appeal site is Nos. 47 & 50 North Road, Drogheda, Co. Louth. The site has a stated area of c. 0.22ha and is located on the north-eastern side of the R132 (North Road), c. 200m to the north-west of the junction of the R132 and Windmill Road. I have provided a detailed description of the site location and its surrounding context in Section 1 of my report, while the development is described in detail in Section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the construction of a residential development (12 no. apartments and 1 no. house) and all associated site works.

I note that the Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies any European Sites within a possible zone of influence of the development. It is concluded within the Screening Report, following an examination, analysis and evaluation of best available information, and applying the precautionary principle, that the possibility of any significant effects on any European Sites, whether arising from the project alone or in combination with other plans or projects, can be excluded. Having reviewed the documents and submissions on the application, I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.

There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (The River Boyne and River Blackwater SAC (002299)) is located c. 520m to the south of the appeal site. SACs and SPAs within 15km of the site have been identified in the Applicant's Screening Report. The Screening Report indicates that there are 6 no European sites within c. 15km of the proposed development. These include:

- River Boyne and River Blackwater SAC (Site Code 002299) (520m to the south)
- Boyne Estuary SPA (Site Code 004080) (2.2km to the east)
- River Boyne and River Blackwater SPA (Site Code 004232) (2.5km to the south-west)
- Boyne Coast and Estuary SAC (Site Code 001957) (3.4km to the east)
- The River Nanny Estuary and Shore SPA (Site Code 004158) (7.9km to the south-east)

- Clogher Head SAC (Site Code 001459) (11.1km to the north-east)

In addition, I note that the North-West Irish Sea cSPA (Site code 004236) (7.8km to the east) also falls within the project's zone of influence. This cSPA has not been identified in the Screening Report.

Step 2: Potential impact mechanisms from the project

It is detailed within the Screening Report that there are no drains or streams within the application site. The closest watercourse to the site is the River Boyne itself and this is 540m south of the site. The Tullyeskar Stream is 832m north-east of the site. It is confirmed that there is no surface water connectivity between the application site and either of these watercourses. It is noted within the documentation on file that surface water from the site will discharge to the local surface water network, the details of which are provided in on Drawing No. 22200/002 and in the Applicant's Engineering Services Report. I note that foul water would be seen as output from the site during the operational phase of the development that could potentially extend to some of these Natura 2000 sites. With this in mind, and implementing the precautionary principle, an assessment of potential hydrological impacts on the Natura 2000 sites is necessary. These are considered in further detail below.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

Natura 2000 Site	Qualify Interests/Special Conservation Interests for which the Natura 2000 Site has been designated.	Connections (Source, pathway, receptor)	Impact Assessment & Screening Conclusion
River Boyne and River Blackwater SAC (Site Code 002299)	Alkaline fens [7230] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	Although there is no hydrological connectivity between the subject site and the Natura 2000 Site, surface and foul water from the proposed development will ultimately discharge to the Boyne Estuary via the Drogheda WWTP.	In terms *habitat loss and fragmentation,* the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur. The proposed development site does not support populations of any fauna species linked with the QI populations of any European site. In terms of the proposal's surface water drainage strategy, a total interception volume of 38.07m^3 is provided by: • Permeable Paving: (353m^2 x 0.25m dp) x 0.35 = 30.88m^3 • Bio- Retention Systems – Block A: (17.0m^2 x 0.75m dp) x 0.35 = 4.46m^3 • Bio- Retention Systems – Block B: (13.0m^2 x 0.6m dp) x 0.35 = 2.73m^3 A total treatment volume of 39.35m^3 is provided as outlined above plus: • Green roof: (85.0m^2 x 0.015m) =

			1.28m^3 In addition to the above, all surface water run-off will pass through a suitably sized Class 1 klargester by-pass Separator or similar approved before leaving the site I note that the application is not supported by a Construction and Environmental Management Plan (CEMP). This would typically outline standard pollution control measures which are to be put in place during the construction phase. For e.g. surface water management, material storage, waste management and other environmental management measures. It is my view that a condition should be included which requires the preparation of CEMP prior to the commencement of development. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites. Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Drogheda. The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
Boyne Estuary SPA (Site Code 004080)	Shelduck (Tadorna tadorna) [A048] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus	Although there is no hydrological connectivity between the subject site and the Natura 2000 Site, surface and foul water from	In terms *habitat loss and fragmentation,* the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.

	vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Little Tern (Sterna albifrons) [A195] Wetland and Waterbirds [A999]	the proposed development will ultimately discharge to the Boyne Estuary via the Drogheda WWTP.	The proposed development site does not support populations of any fauna species linked with the QI populations of any European site. In terms of the proposal's surface water drainage strategy, a total interception volume of 38.07m^3 is provided by: • Permeable Paving: (353m^2 x 0.25m dp) x 0.35 = 30.88m^3 • Bio- Retention Systems – Block A: (17.0m^2 x 0.75m dp) x 0.35 = 4.46m^3 • Bio- Retention Systems – Block B: (13.0m^2 x 0.6m dp) x 0.35 = 2.73m^3 A total treatment volume of 39.35m^3 is provided as outlined above plus: • Green roof: (85.0m^2 x 0.015m) = 1.28m^3 In addition to the above, all surface water run-off will pass through a suitably sized Class 1 klargester by-pass Separator or similar approved before leaving the site I note that the application is not supported by a Construction and Environmental Management Plan (CEMP). This would typically outline standard pollution control measures which are to be put in place during the construction phase. For e.g. surface water management, material storage, waste management and other environmental management measures. It is my view that a condition should be included which requires the preparation of CEMP prior to the commencement of development. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites. Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at	

			Drogheda. The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
Boyne Coast and Estuary SAC (Site Code 001957)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	Although there is no hydrological connectivity between the subject site and the Natura 2000 Site, surface and foul water from the proposed development will ultimately discharge to the Boyne Estuary via the Drogheda WWTP.	In terms *habitat loss and fragmentation,* the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur. The proposed development site does not support populations of any fauna species linked with the QI populations of any European site. In terms of the proposal's surface water drainage strategy, a total interception volume of 38.07m^3 is provided by: • Permeable Paving: (353m^2 x 0.25m dp) x 0.35 = 30.88m^3 • Bio- Retention Systems – Block A: (17.0m^2 x 0.75m dp) x 0.35 = 4.46m^3 • Bio- Retention Systems – Block B: (13.0m^2 x 0.6m dp) x 0.35 = 2.73m^3 A total treatment volume of 39.35m^3 is provided as outlined above plus: • Green roof: (85.0m^2 x 0.015m) = 1.28m^3 In addition to the above, all surface water run-off will pass through a suitably sized Class 1 klargester by-pass Separator or similar approved before leaving the site I note that the application is not supported by a Construction and Environmental Management Plan (CEMP). This would typically outline standard pollution control measures which are to be put in place during the construction phase. For e.g. surface water management, material storage, waste management and other environmental management measures. It is my view that a condition should be included which requires the preparation of CEMP prior to the commencement of development. Nonetheless, I consider that, even if the aforementioned best practice construction management

			measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites. Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Drogheda. The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
River Boyne and River Blackwater SPA (Site Code 004232)	Kingfisher (Alcedo atthis) [A229]	No. There is no hydrological connectivity as the SPA is located upstream of the discharge point in the Boyne Estuary.	In terms *habitat loss and fragmentation,* the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur. The proposed development site does not support populations of any fauna species linked with the QI populations of any European site. The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
Clogher Head SAC (Site Code 001459)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	No. There is no direct hydrological connectivity. The possibility of significant effects on designated sites is unlikely given the nature and scale of the	The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.

		development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved.	
River Nanny Estuary and Shore SPA (Site Code 004158)	Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]	No. There is no direct hydrological connectivity. The possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved.	The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.
North-West Irish Sea cSPA (Site code 004236)	Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater	Although there is no hydrological connectivity between the subject site and the Natura 2000 Site,	In terms *habitat loss and fragmentation,* the proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for

	(Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Little Gull (Larus minutus) [A177] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Little Tern (Sterna albifrons) [A195] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204]	surface and foul water from the proposed development will ultimately discharge to the Boyne Estuary via the Drogheda WWTP.	habitat fragmentation to occur. The proposed development site does not support populations of any fauna species linked with the QI populations of any European site. In terms of the proposal's surface water drainage strategy, a total interception volume of 38.07m^3 is provided by: • Permeable Paving: (353m^2 x 0.25m dp) x 0.35 = 30.88m^3 • Bio- Retention Systems – Block A: (17.0m^2 x 0.75m dp) x 0.35 = 4.46m^3 • Bio- Retention Systems – Block B: (13.0m^2 x 0.6m dp) x 0.35 = 2.73m^3 A total treatment volume of 39.35m^3 is provided as outlined above plus: • Green roof: (85.0m^2 x 0.015m) = 1.28m^3 In addition to the above, all surface water run-off will pass through a suitably sized Class 1 klargester by-pass Separator or similar approved before leaving the site I note that the application is not supported by a Construction and Environmental Management Plan (CEMP). This would typically outline standard pollution control measures which are to be put in place during the construction phase. For e.g. surface water management, material storage, waste management and other environmental management measures. It is my view that a condition should be included which requires the preparation of CEMP prior to the commencement of development. Nonetheless, I consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated site and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites. Given the relatively moderate scale of the proposed development, it will make	

			a very small contribution to the overall capacity of the licensed WWTP at Drogheda. The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely. The need for AA is therefore screened out.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

The proposed residential development is catered for through land use planning, including the Louth County Development Plan, 2021-2027 (as amended), covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

The Applicant's Screening Report indicates that there are a large number of other developments that have been granted planning permission in the Drogheda area in the last five years. It is stated that he proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). In addition, any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. Whilst the Screening Report has failed to specifically refer to the permitted developments within the site surrounds, these mainly relate to other residential & industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion - Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- Objective information presented in the Habitats Directive Screening Report and the various documentation supporting the application.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls for a development of this nature that would be

employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.