



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323561-25

<b>Development</b>	Construction of a two storey dwelling house and new vehicular entrance.
<b>Location</b>	Junction of Blackbush Lane, Cromwell's Lane, Drogheda, Co.Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	2511
<b>Applicant(s)</b>	Harry McArdle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dympna O'Brien & Robert Bogue
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> November 2025
<b>Inspector</b>	Aisling MacNamara

## 1.0 Site Location and Description

1.1. The proposed development relates to a 0.056ha site located within a built up urban area in the town of Drogheda in County Louth. The site is located at the junction of Blackbush Lane and Sunnyside Cottages / Cromwells Lane. The site is located c 800m from Drogheda train station, and in close proximity to facilities and services such as Sacred Heart Secondary School located c 30m to the west, St. Mary's Hospital to the east and Scotch Hall shopping centre c 600m to the north. The eastern boundary adjoins Blackbush Lane and the northern boundary adjoins Cromwells Lane which terminates further to the west in a cul de sac beyond the school and housing. The western boundary adjoins a laneway to an Irish Rail site beyond which is a tennis court and open space. The southern boundary adjoins an existing two storey house. The site is in an overgrown condition and there are mature trees predominantly along the northern and eastern boundaries.

## 2.0 Proposed Development

2.1. Permission is sought for a:

- new two storey 4 bed dwellinghouse (194sqm)
- new vehicular entrance off Cromwells Lane
- associated site works and works to public road

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 8<sup>th</sup> August 2025 the planning authority granted permission subject to 7 conditions.

Condition 4 relates to landscaping.

Condition 5 is a detailed condition relating to visibility sightlines, 2m footpath to be provided, entrance gates, roadside kerbing, surface water, boundary walls, construction works, in the interests of traffic safety and orderly development.

Condition 6 relates to sound levels for on site operations associated with external ground mounted fans.

Condition 7 relates to monitoring and recording of noise levels if directed by the planning authority.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The first report of the Case Planner of 14/03/2024 recommends further information.
- Further Information requested on 20/03/2025 in relation to three items: (1) submit pre connection enquiry to Uisce Eireann to determine feasibility of connection to public water and wastewater infrastructure, (2) demonstrate sufficient legal interest in the subject site, (3) submit arborist report documenting trees to be removed and proposals for retention of mature specimens where feasible.
- Further Information response received 21/07/2025 containing (1) Uisce Eireann Confirmation of Feasibility, (2) letter from land owner and solicitor confirming that land is owned by the applicants daughter and consent given for application, (3) report from building surveyors stating that the mature trees on the site comprise cypress leylandii /conifers and ash trees, that the ash trees are suffering from dieback and leylandii trees are poor quality, all trees pose a danger to property and people and require removal for new footpath, compensating trees will be planted.
- The Case Planners report 11/02/2025 considers the FI response and recommends grant with conditions.

### 3.2.2. Other Technical Reports

Placemaking & Physical Development – report of the Executive Engineer dated 11/02/2025 recommends no objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Two third party submissions were received from residents in the nearby area. The issues raised include the following:

- The claim of ownership needs to be supported by documentary evidence, site vacant for many years, open to public and maintained by local residents.
- Safety and traffic concerns, congested area
- The proposed development will necessitate the felling of mature trees. It is considered that a comprehensive tree survey is required.

## 4.0 Planning History

The following is the relevant planning history relating to the site:

**17/846** – extension of duration of 12/510046 – granted – the permission to expire on 30<sup>th</sup> January 2023

**12/510046, PL 54.241144** – grant – permission for demolition of existing outbuildings, construction of a 2 storey dwelling in the garden of existing house together with the provision of a new vehicular entrance onto Cromwell's Lane & all associated site development works

**09/510152, PL54.236326** – refused – permission for demolition of single storey elements to existing house and subdivision of existing site to facilitate construction of two dwellings, existing vehicular entrance to Blackbush Lane widened to 6m for vehicular entrance, 6 parking spaces. The proposal was revised at the appeal stage to a single detached dwelling house. Permission was refused on the grounds that, due to the proximity of a poorly aligned junction that affords inadequate forward sightlines, the intensification of turning movements into the existing entrance would endanger public safety by reason of traffic hazard.

**07/510056** – refused – 3 storey building comprising 4 apartment units, existing entrance to Blackbush Lane to be widened to 6m and will be the only vehicular

entrance, 8 parking spaces. Refused on grounds of aesthetics, residential amenity, adverse precedent and failure to demonstrate sufficient ownership of the site

**06/510012** – refused – demolition of existing garage and outhouse and construction of 3 storey building comprising 4 no. 2 bed apartments and 1 no. 3 bed apartment with new vehicular entrance to Cromwells Lane. Refused on grounds of residential amenity and failure to demonstrate sufficient ownership of the majority of the application site.

The following relates to the adjoining site to the south:

**21/875** – grant – permission for development that will consist of demolition of existing porch, chimney breast and side garage. Construction of part single part two storey flat roof extension to the rear (west) and side (north). Construction of first floor flat roof extension to side (south). Amendments to glazing to front and rear elevations. Widening of existing vehicular access point. Internal modifications and all ancillary works

## 5.0 Policy Context

### 5.1. Development Plan

The operational development plan for the area is the Louth County Development Plan (CDP) 2021-2027 as varied.

The CDP contains the settlement plan for Drogheda. In this settlement plan, the site is zoned A1 Existing Residential where the objective is *‘To protect and enhance the amenity and character of existing residential communities’*. In this zone, ‘residential’ use is ‘generally permitted’. The following guidance is set out: *“The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.”*

The following provisions are of relevance:

## Chapter 2 Core Strategy and Settlement Strategy

- 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.

## Chapter 3 Housing

- HOU 18 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 23 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 26 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 this Plan.

### 3.16.1 Infill, Corner and Backland Sites

- HOU 34 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 35 To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

## Chapter 7 Movement

- MOV 28 To improve pedestrian and cycle connectivity to schools, third level colleges, major employment areas, bus and rail stations, and other public transport hubs.

## Chapter 8 Natural Heritage, Green Infrastructure and Biodiversity

- NBG 29 To protect trees subject to Tree Preservation Orders and seek to designate additional Tree Preservations Orders (TPO), where appropriate.
- NBG 30 To protect trees and woodlands of special amenity value. Review and where appropriate make Tree Preservation Order(s) in relation to trees of special amenity value.
- NBG 33 To assess the implications of proposed development on significant trees and hedgerows located on lands that are being considered for development, seeking their incorporation into design proposals where appropriate and in compliance with procedures detailed in Appendix 6.
- NBG 31 Where in exceptional circumstances, trees and or hedgerows are required to be removed in order to facilitate development, this shall be done outside nesting season and there shall be a requirement that each tree felled is replaced at a ratio of 10:1 with native species and each hedgerow removed is to be replaced with a native species. In Drogheda and Dundalk, replacement trees will be required at a ratio of 5:1 where the removal of trees is required in order to facilitate development. On smaller, more constrained sites where there is limited space/opportunities for planting new trees, consideration may be given to reducing the ratio of trees to be planted on an application site if an alternative location for the shortfall of trees to be planted is identified and the consent of the landowner, on whose lands the trees are to be planted, is provided as part of a planning application.

## Chapter 10 Infrastructure & Public Utilities

- IU 19 To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

## Chapter 13 Development Management Guidelines

### 13.8 Housing in Urban Areas

13.8.32 Infill and Backland Development in Urban Areas

13.9.16 Landscaping

13.16.17 Entrances and Sightlines

Appendix 6 – Tree Protection – This sets out guidance in relation to survey and protection of trees.

## 5.2. **Natural Heritage Designations**

There are no sites designated for natural heritage on or adjoining the site. The closest sites are as follows:

- River Boyne and River Blackwater SAC located c 460m from the site
- Boyne Coast and Estuary SAC and pNHA located c 2.69km from the site
- Boyne River Islands pNHA located c 3.25km from the site
- Boyne Estuary SPA c 1.4km from the site
- River Boyne and River Blackwater SPA c 3.7km from the site

## 6.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

A single third party appeal has been submitted on behalf of the residents of two different properties St. Mary's Cottage and Sunnyside Villas, located within the vicinity of the site. The issues raised are summarised as follows:

- Traffic and Road safety – The development will introduce a public safety risk by reason of traffic hazard or obstruction of road users - vehicular access from the property onto narrow carriageway, proximity to busy secondary school, existing entrance to Irish Rail site, school drop off and parking and heavily used footpaths, level difference of c 1.5m between road and site, unclear how vehicles will access / egress site, no auto tracking provided, lack of consideration of pedestrian sight lines, no road safety audit, planning authority did not address concerns.
- Tree Preservation – The applicant did not comply with Council's further information request and the decision of the Chief Executive relies on information that is not correct. The Council requested a report from a 'suitably qualified arborist' however report was received from building surveyors and not from certified arborist. The report made general uninformed observations about trees. The applicant has not identified all mature trees that they are proposing to remove from the site as part of the proposed development.
- Property title – The applicant has not identified sufficient legal interest in the property. The applicant has provided a letter purporting ownership but does not demonstrate legal title or legal interest. Enclosed a letter from Local Government Auditor dated Aug 2014 stating that the title of the property is with Drogheda Borough Council. Concerns raised in relation to the claim of ownership and transfer of same. Notes that first registration by applicants daughter in 2013 was abandoned and no further application has been made.
- Surface Water drainage – The applicant has provided inadequate drainage design information and not demonstrated how they propose to comply with SUDS standards. There is a combined drain traversing the rear of the existing properties. The applicant is suggesting the incorporation of two soakpits to deal with surface water however only one soakpit is shown on drawings – the other referenced by text. Unclear how soakpit in north east area of the site will be designed in accordance with BRE 365 considering the elevated nature of the site and proximity to retaining walls. Unclear how second soakpit will be designed in accordance with BRE 365 considering proximity to combined drain.

- Application should be refused.
- Documentation is attached in support of the appeal including drawing and details of existing road junction and drainage, photograph of existing trees and documentation relating to site ownership.

## 7.2. Applicant Response

The applicant has submitted a response to the appeal. The key issues raised are as follows:

- The land is zoned A1 Existing Residential in the Louth CDP 2021-2027. The zoning provides for residential development.
- Permission was previously granted for house on the lands under PA12/10046 and upheld by ABP under PL54.241144.
- Traffic and Road Safety – The development does not introduce road safety hazard or obstruction to road users, footpath and removal of dangerous trees is benefit to area. Vehicles can access site via 3m wide entrance. The longitude gradient at the tie in point will not exceed 2% for 7m. The entrance allows for normal manoeuvring of car. There is no additional traffic risk associated with the works. The situation will be improved with introduction of new 2m footpath – existing path is 1m. This will benefit schools, housing etc. Sightlines are provided of 2.4m x 24m over the height of 0.6-1.050m above road level as per DMURS. This is off a cul de sac roadway within a 30km speed limit area. Entrance will be excavated and graded accordingly. Change in ground levels is 1m not 1.5m. Details in relation to levels and boundary treatment is set out in drawings. Reports of Council's planner and engineer recommend the proposal. Conditions 5(a) and (d) relate to roads, entrance and footpaths.
- Tree removal – All mature trees need to be removed due to safety risk. Mature trees comprise ash and cypress leylandii. Ash trees have extensive ash die back. Cypress leylandii are invasive species. The trees are large and close to roadway and housing and will require removal for health and safety reasons. New trees will be planted as part of the development. The appellant

states that their submitted report is 'not factually correct' however no details provided. Case planner concurs with their report.

- Property title – The property belongs to Lorraine McArdle (applicant's daughter). Ownership confirmed by owner's solicitor. Registration has not been abandoned. The Council have abandoned their claim (documentation submitted). Question of title was not raised under PL54.241144.
- Surface water drainage – Soakaway design is in accordance with BRE Digest 365. This is accepted by the Council's planner and environment department. Good practice that surface water is treated on site. A Soakaway Design Report is submitted. The proposal includes 2 no. perforated concrete liners to be located as per layout plan. Soakaway can be relocated if required or additional one added. The location of the soakpit is to the upper end of the site where excavation is minimal. The level of retention to the wall along the public roadway is c 1m -1.4m and the soak pit is set back from the wall so it will not be affected. Conditions 5 (e ) and (f) of the decision to grant refer to requirements in respect of surface water drainage.
- The application meets the requirements of the CDP.
- The development provides much needed housing.
- Request grant of permission.
- Any concerns were all addressed at further information stage and in grant of permission.
- Documentation attached in support of the appeal including Tree Report by McNamee Building Surveyors and documentation relating to ownership.

### 7.3. **Planning Authority Response**

None

### 7.4. **Observations**

None

### 7.5. **Further Responses**

None

## 8.0 **Assessment**

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

- principle of development
- access and traffic considerations
- impact on trees
- surface water drainage
- legal issues – land ownership

### 8.2. **Principle of development**

8.2.1. It is proposed to construct a new infill dwelling on lands zoned A1 Existing Residential in the Louth County Development Plan (CDP) 2021-2027 as varied.

8.2.2. The site is within an existing built up urban area in close proximity to facilities and services and is highly accessible served by existing roads and footpaths and within easy walk of Drogheda train station. The site is in an underutilised and vacant condition. I am satisfied that the proposal for infill development on this highly accessible urban site is in accordance with higher order objectives in the CDP including CS2 to support compact growth and HOU34 to promote development on underutilised infill sites.

8.2.3. I am satisfied that the architectural design and layout of the proposal is acceptable, is in keeping with the pattern and grain of existing development in the area and that the development of a house on the site will positively contribute to the visual amenity and streetscape and would not adversely impact on the amenity of adjoining properties.

8.2.4. I am satisfied that in principle, the proposal for an infill dwelling unit is acceptable and in accordance with the zoning objective for the site.

### 8.3. Access and traffic considerations

- 8.3.1. The appeal submission raises concerns that the proposed development results in traffic safety hazard and obstruction of road users. The issues raised relate to the capacity of the existing road infrastructure in the area to accommodate the additional traffic associated with the development noting existing heavy traffic and pedestrian flows in the area and to concerns over the design of the proposed entrance.
- 8.3.2. It is proposed to construct a new entrance to the house from Cromwells Lane. The existing wall along Cromwells Lane is to be set back to provide for the widening of the existing one metre wide footpath to a width of two metres. The submitted Site Plan shows that with the setback of the boundaries, clear sightlines of 2.4m x 24m can be achieved from the new entrance to the nearside edge of the carriageway. This sightline is in accordance with the Design Manual for Urban Roads and Streets for a 30km/h design speed which is an appropriate design speed at this location.
- 8.3.3. Ground levels on the site along this roadside boundary are above the level of the existing footpath. The Site Plan drawing indicates that the driveway entrance is to be 3 metres wide and that the gradient of the entrance to the public road is not to exceed 2% (1 in 50) for a distance of 7m and thereafter up to a maximum of 10%. I consider that this is an acceptable gradient. The drawing includes an autotrack illustration to show that there is space on site to allow for access, parking and egress in forward motion.
- 8.3.4. I note that the report of the Council's engineer (Placemaking & Physical Development) had no objection to the proposal subject to conditions. I am satisfied that the entrance and sightlines are acceptable in line with the relevant standards.
- 8.3.5. The entrance is to be located on Cromwell Road, over 20m from the Blackbush Lane junction. Traffic speeds on the road near the proposed entrance are low due to the proximity to the Blackbush Lane junction, the speedbump near this junction and nearby entrances. I also note double yellow lines and 'Keep Clear' road markings to the west of the site along the road which prevents obstruction of the road.
- 8.3.6. Whilst I acknowledge that this is a busy road that may be congested at times due to proximity to the nearby school and other properties and facilities, this is a proposal for a single house and I do not consider that the new entrance would result in movements of type or intensity that would pose a significant level of new obstruction

or safety risk to road users and pedestrians. I consider that the road and junction to Blackbush Lane can accommodate the additional traffic movements associated with the development.

- 8.3.7. There are many objectives in the CDP including MOV28 (to improve connectivity) and HOU 23 (to require residential development to facilitate walking and connections) to support increased walking. The existing footpath is 1m width. This area experiences high footfall and the proposal to construct a wider 2m footpath will positively impact on the area improving pedestrian safety and comfort.
- 8.3.8. In conclusion, I am satisfied that the design of the proposed entrance is acceptable and that the development would not result in traffic hazard or obstruction of road users and that the proposal for improved footpath will improve traffic safety and is in accordance with objectives to facilitate walking and connectivity. Should permission be granted, it is recommended that a condition be attached requiring final designs of the new footpath and tie in be agreed prior to development and that any entrance gates be inward opening.

#### **8.4. Impact on trees**

- 8.4.1. The appeal submission raises concerns regarding the loss of the mature trees on the site and points to inadequacies in the information provided to justify their removal.
- 8.4.2. The site contains existing mature trees which are to be removed to accommodate the proposed development. At further information stage, the applicant was requested to submit a report from a suitably qualified arborist documenting the trees to be removed and proposals for retention of mature specimens, save leylandii and conifer species. This was not submitted and the applicant submitted a Building Surveyor report providing a rationale for the removal of trees. The information provided by the applicant states that the site contains ash trees and cypress leylandii and one conifer tree. They state that the ash trees are diseased with ash dieback and this is evident on the trees, that cypress leylandii are an invasive species and that all trees are within 5-10m of the footpath and roadway and housing and will require removal due to health and safety reasons and for the construction of the footpath.
- 8.4.3. There is no arborist report to confirm whether or not trees are diseased or have deteriorated and pose a safety risk, however there is also no evidence to doubt the applicants claims that they are diseased and poor quality and I note that the

applicant has submitted photographs showing evidence of die back on the crown of trees. I also agree that the conifers are overgrown and tall and it is plausible that they may pose a risk. I note that the planning authority was satisfied that the removal of the trees is justified given the presence of ash die back and in the interests of safety.

- 8.4.4. The CDP includes objectives NBG29 and NBG30 to protect trees and woodlands designated tree preservation order and of special amenity value. The trees are not listed on Table 8.7 as Trees and Woodland of Special Amenity Value in Drogheda. The trees are not listed under Table 8.6 Tree Preservation Order.
- 8.4.5. The CDP includes objective NBG 33 which is to assess the implications of a proposed development on significant trees and hedgerows and to incorporate into designs where appropriate and objective NBG31 which states that in exceptional circumstances trees can be removed to facilitate development. This is an infill residential zoned site where infill development is to be supported. The trees are not designated of amenity value. The cypress leylandii are not a native species and support limited biodiversity. From a visual inspection the trees have grown to considerable height and bulk and have a dominating appearance. I consider that the removal of the trees to allow for the development of a house with wider public footpath will overall improve the visual amenity of the streetscape, allowing for wider footpath, more sunlight, passive overlooking from house and replacing of the existing older concrete retaining wall and metal mesh fencing with a new boundary wall and beech hedging including new planting on the site. For these reasons, including the information on file which indicates that the trees are in poor condition, I am satisfied that the removal of the trees is justified and would not significantly compromise the amenity or character of the area.
- 8.4.6. As per NBG 31, tree removal is subject to planting of replacement trees at a ratio of 5:1, however this ratio can be reduced on smaller constrained sites where removal is required to facilitate development subject to planting at an alternative location with landowner consent. The site is constrained and therefore it is appropriate to apply a reduced ratio of replacement planting. The applicant has proposed new planting as part of the new development. The layout drawing shows 7 new trees of mountain ash, silver birch and white cherry and a new beech hedgerow along the roadside boundaries and supplementary planting along the hedge to the western laneway. This I consider is acceptable to mitigate for tree loss. Whilst I note that no details are

provided of an alternative location for planting of shortfall trees, this was not sought by the planning authority and in any case, I consider that it is outside of the scope of the application to require planting on third party lands outside of the development site.

## **8.5. Surface water drainage**

- 8.5.1. The appellants have raised concerns in relation to the adequacy of the proposed surface water drainage measures.
- 8.5.2. Objective IU19 of the CDP relates to surface water drainage and is an objective to require the use of sustainable drainage systems and that proposals are to be accompanied by a SUDS assessment addressing run off quantity and quality and impacts on habitat and water quality.
- 8.5.3. The submitted application includes an engineering Soakaway Design Report. The report states that soakaway designs have been carried out in accordance with BRE Digest 365. The designs are in respect of rainwater runoff from the roof plane with run off from footpath and patio to grass. The new driveway is to have a granular surface to allow direct infiltration of rain to subsoil with ACO drain to be fitted along public roadway at entrance. The report provides details of trial holes and inflow, outflow and storage calculations. The stormwater calculations are based on a return period of 30 years plus 20% to allow for climate change. It is recommended to provide a single soakpit comprising two no. 1.5m x 1.5m perforated concrete liners within the site with 0.3m drainage stone surround wrapped in geotextile filter paper located in the northeastern corner of the site.
- 8.5.4. The report of the Council's Executive Engineer, Physical Development indicates no objection to the proposed surface water measures subject to conditions.
- 8.5.5. In relation to the concerns raised by the appellant, the soakpit is to be located away from the sewer traversing the western part of the site and does not interfere with this sewer. The applicant has carried out infiltration tests and has sized the soakpit in accordance with BRE 365 standards which accounts for soil conditions. The soakpit is located in an open area of retained ground set back from the house and boundary walls and subject to normal best practice construction, the ground has capacity to accommodate the soakpit so that it does not interfere with foundations or the wall.

8.5.6. In conclusion, having regard to the submitted engineering report, the report of the Council's Executive Engineer and the proposed measures, I am satisfied that the proposed surface water drainage measures are acceptable and will allow for satisfactory drainage of surface water from the site to land within the site and will not interfere with any other property. The proposal includes sustainable drainage measures, hard surfacing is limited to that required and a SUDS assessment has been carried out and therefore the proposal is in accordance with objective IU19 of the CDP. Should permission be granted, it is recommended that a standard condition be attached requiring surface water measures to comply with the requirements of the planning authority.

#### **8.6. Legal issues – landownership**

8.6.1. The appellant has raised concerns that the applicant has not demonstrated sufficient legal interest in the property to carry out the proposed development. The applicant states that they have legal interest in the property.

8.6.2. The application form states that the site is in the ownership of the applicant Harry McArdle. At Further Information stage, the applicant submitted a letter from Lorraine McArdle stating that she is the legal owner of the site and confirming that her father has her consent to submit the planning application on this site and submitted a solicitors letter dated July 2025 confirming that Lorraine McArdle is the owner of the site.

8.6.3. The Development Management Guidelines for planning authorities states that disputes over title to land are not a matter for the planning system. I refer to Section 34(13) of the Planning and Development Act 2000 (as amended) which states "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*".

8.6.4. Based on the information submitted I am satisfied that the applicant has provided sufficient evidence to show that they have a legal interest in the land in order to execute any permission. Any further legal dispute is considered a civil matter and outside the scope of the planning appeal.

## 9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S 177U of the Planning and Development Act 2000 as amended. The site is located c 460m from River Boyne and River Blackwater SAC, c 1.4km from Boyne Estuary SPA, c 2.7km from Boyne Coast and Estuary SAC and c 3.7km from River Boyne and River Blackwater SPA.
- 9.2. Having regard to the domestic nature and modest scale of development, its location within the built up urban area, connection to existing services and the separation distance and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 WFD Screening

- 10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seeks to protect and where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.
- 10.2. The site is located within the Boyne\_SC\_130 WFD sub catchment. The site is c 485m from the Boyne Estuary. The site overlays the Drogheda groundwater body. The Boyne Estuary is 'poor' status (2019-2024) and is 'at risk'. The Drogheda groundwater body is 'good' status (2019-2024) and is 'at risk'.
- 10.3. It is proposed to connect to public mains water supply and foul sewer. An Uisce Eireann Confirmation of Feasibility is submitted stating that water and wastewater connection is feasible without infrastructure upgrade. It is proposed to dispose of surface water by on site soakpit.

Having regard to the distance to surface water features, and the proposed drainage measures including disposal of effluent to public sewerage infrastructure with capacity and disposal of clean uncontaminated surface water to ground, I am

satisfied that the proposed development will not result in a risk of deterioration of any water body or jeopardise any water body in reaching WFD objectives and consequently the proposed development can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission be granted.

## 12.0 Reasons and Considerations

Having regard to:

- i. The policies and objectives of the Louth County Development Plan 2021-2027 (as varied),
- ii. The nature, scale and design of the proposed development,
- iii. The location and specific characteristics of the site and the pattern of development in the surrounding area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to compact and sustainable growth of the settlement, would not adversely impact the character of the area or be seriously injurious to the visual, residential or environmental amenities of the area, and would be acceptable in terms of traffic safety and convenience and public health. It is considered that the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21 <sup>st</sup> July 2025, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
3	<p>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.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
4	<p>(a) Final drawings and details for the construction, materials and finishing of the new 2 metre footpath on Cromwells Road, the tie in with the existing footpaths and the vehicular entrance and crossover, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The works shall be completed to the written satisfaction of the planning authority prior to occupation of the house.</p> <p>(b) Gates to the vehicular entrance shall be inward opening.</p> <p><b>Reason:</b> In the interest of traffic safety and orderly development.</p>

5	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundary wall and railing to Cromwells Lane and Blackbush Lane shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6	<p>The landscaping scheme shown on Site Plan drawing as submitted to the planning authority on 31st January 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>This shall include the proposed planting indicated on the site plan, beech hedgerow along the roadside boundary to Cromwells Lane and Blackbush Lane and supplementary hawthorn and beech hedging along the western boundary to the existing laneway.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
7	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>

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

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

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Aisling Mac Namara  
 Planning Inspector

24<sup>th</sup> November 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323561
<b>Proposed Development Summary</b>	Construction of a two storey dwelling house and new vehicular entrance.
<b>Development Address</b>	Junction of Blackbush Lane, Cromwell's Lane, Drogheda, Co.Louth
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323561
<b>Proposed Development Summary</b>	Construction of two storey dwelling house and new vehicular entrance
<b>Development Address</b>	Junction Blackbush Lane and Cromwells Lane, Drogheda, Co. Louth
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<ul style="list-style-type: none"> <li>- Proposed residential use is compatible with existing residential use in the area</li> <li>- Modest size site</li> <li>- Modest scale and intensity of development</li> <li>- No significant use of natural resources or production of waste</li> <li>- No significant risk of pollution or nuisance</li> <li>- No significant risk of accidents / disasters to human health</li> </ul>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> <li>- Infill domestic residential site within existing built up area</li> <li>- Local ecology only on site</li> <li>- No built heritage</li> <li>- No designated sites at the site</li> </ul>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the following: <ul style="list-style-type: none"> <li>- Nature and scale of the development</li> <li>- Lack of significant environmental sensitivities on the site</li> <li>- Absence of significant in combination effects</li> </ul> there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.  x
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)