



An
Bord
Pleanála

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

Inspector's Report ABP-305552-19

Strategic Housing Development

661 homes, consisting of 509 houses and 152 apartments, as well as a creche, shop, café and a public park

Location

Rathmullan Road, Drogheda, Meath.

Planning Authority

Meath County Council

Applicant

Trailford Ltd.

Prescribed Bodies

Office of Public Works

Louth County Council

Irish Water

Department of Culture, Heritage and
the Gaeltacht

National Transport Authority

Transport Infrastructure Ireland
An Taisce

Observers

Senator Ged Nash
Cllr Annie Hoey
Mike and Sophie Egan
Aine Matthews
Oldbridge Village Tidy Towns
Cllr James Byrne
Protect East Meath Ltd
Peter Ryan Highlands Residents
Association
Grainne & Anthony Joyce

Date of Site Inspection

12th January 2020

Inspector

Stephen J. O'Sullivan

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is at the western edge of Drogheda, to the immediate east of the M1, south of the River Boyne and adjacent to the Meath / Louth county boundary. It is c2km from Drogheda town centre and c. 3.5 km from the train station. The site has a stated area of 26.2ha and is agricultural land. The northern part of the site is a wooded area that slopes sharply down to the level of the road along the riverbank. The rest of the site is arable land that has an gentle, even slope down from south to north. Farm buildings stand in two places on the site. The M1 motorway runs along the western site boundary. The northern, eastern and southern site boundaries are along rural roads. Their nomenclature varies in the application and submissions. In this report the Rathmullan Road refers to the suburban road that runs east from the site to the centre of Drogheda. The Sheephouse Road runs south from a junction with the Rathmullan Road on the eastern site boundary. The Oldbridge Road runs north from that junction between the site and Boyne. There is a pedestrian boardwalk along this stretch of the river that runs back to the town centre. The Riverbank estate is to the north east of the development site in Co. Louth on the opposite side of the Oldbridge Road. Construction has commenced on a residential development on land to the south-east of the site on the other side of the Sheephouse Road. Two existing detached houses stand on the other side of that road near the south-eastern corner of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would provide 661 homes. The proposed housing mix would be as follows-

	1 bed	2 bed	3 bed	4 bed	Total
Houses		158	269	82	509
Apartments	13	139			152
Total	13	297	269	82	661

3.2. The gross floor area of the residential development would be 69,987m². It is also proposed to build a creche of 468m², a shop of 318m² and a café of 63m². They would be situated near the Sheephouse Road in the south-eastern part of the scheme. The northern part of the site near the Boyne would be laid out as public open space. There would also be a linear open space along the western side of the scheme beside the motorway.

3.3. The houses would be two storeys high. The apartments would be provided in 6 blocks between 3 and 5 storeys high (one of which would have a shop on the ground floor) and in another 21no. 3-storey blocks on corner plots attached to terraces of houses. Blocks B1, B2 and B3 would in the north-east corner of the scheme would be 4 and 5 storeys high. They would be served by lifts; the other 3 storey apartment buildings would not.

3.4. The main access to the scheme would be from a new four arm signalised junction on the Rathmullan Road near the middle of the eastern site boundary. The eastern arm of that junction would be part of the Rathmullan Road that runs through the existing built up area of Drogheda in Co Louth. It has a footpath on one side. The proposed scheme would be served by four other priority junctions on the Sheephouse Road. It is proposed to upgrade Sheephouse Road along the site boundary south of the proposed signalised junction to provide a carriageway 7m wide and a footpath/cycleway along one side of it. Part of the line of the road would be diverted into the proposed development, leaving a loop of the existing road to serve two neighbouring houses and one of the proposed apartment blocks (E). It is also

proposed to upgrade the Oldbridge Road to the north of the proposed signalised junction by providing a footpath on the far side of the road that would lead to the walkway along the river.

3.5. 1,372 car parking spaces would be provided including 2 for each house and 238 to serve the apartments, with the other spaces for visitors.

3.6. The application seeks a permission with an appropriate period of 10 years.

4.0 Planning History

4.1. PL17. 224875. Reg. Ref. SA60220 – On 31st October 2008 the board granted permission for 509 homes on the site, consisting of 395 houses and 114 apartments. The planning authority had decided to grant permission. The initial application sought permission for 745 homes. This permission was not implemented

4.2. Reg. Ref. LB170675 – In October 2018 the council granted permission for 156 homes on a site to the east of the current site on the other side of the Sheephouse Road. Appeals against the council's decision were withdrawn from the board on in October 2018. Development has commenced on this site.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 20th February 2019 in respect of a proposed development on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Meath County Development Plan zoning objectives, phasing.
2. Roads and traffic impacts
3. Residential design and layout, landscape and visual impacts
4. Site Services and Flood Risk
5. Archaeology
6. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. The board issued an opinion on which stated that the submitted documents required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development in respect of the following issues -

Timing and Phasing of Development

Further consideration and/or justification of the documents as they relate to the development of Phase II residential lands as set out in the statutory county development plan and the possible prematurity of development at this location pending the completion of the review of both the Louth and Meath county development plan process and the more strategic planning policy context in particular the draft Regional Economic and Spatial Strategy which contains an objective RPO 4.8 relating to the preparation of a Joint Urban Plan for Drogheda.

An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended by Section 53 of the Act of 2018, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan should be provided. In this context reference should be made to the draft Regional Economic and Spatial Strategy and the Joint Urban Plan which will replace existing statutory plans for the area.

Further consideration of these issues may require an amendment to the documents and/or design proposal submitted.

Vehicular Access, Roads Layout, Pedestrian and Cycle Connections

Further consideration/justification of the documents as they relate to vehicular access, roads layout, pedestrian and cycle connections, in particular:

The replacement of the proposed roundabout at the Rathmullen Road access with a signalised junction;

The provision of a cycleway, footpath, public lighting and road drainage along the Rathmullen Road / Sheephouse Road frontage of the site;

The achievement of satisfactory vehicular, pedestrian and cycle access to the creche and adequate car and cycle parking provision at the neighbourhood centre;

The achievement of satisfactory pedestrian and cycle connections to the Oldbridge Road and the Boyne River walkway from the proposed park at the northern end of the site, with due consideration to the changes in ground levels across this area, along with related landscaping measures;

The accessibility of the proposed pump station to HGVS with autotrack analysis.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Design and Layout of Residential Development

Further consideration/justification of the documents as they relate to the design and layout of residential development. The proposed development shall have regard to the site's context and locational attributes including its elevated position overlooking the M1 and the Boyne Bridge and adjacent to the UNESCO Brú na Bóinne World Heritage Site. The prospective applicant should satisfy themselves that the proposed design and layout provide the optimal urban design and architectural solution for this site and are of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for particular consideration of the need to create a strong urban frontage to the Rathmullen Road and Sheephouse Road and the contribution of a high quality public realm at this location, with integrated pedestrian and cycle facilities and landscaping. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

- 5.3. Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations

2017, the following specific information should be submitted with any application for permission:

- Landscape and Visual Impact Assessment with photomontages, to include, *inter alia*, consideration of visual impacts on the M1, the Boyne Bridge and the UNESCO Brú na Bóinne World Heritage Site and to have regard to relevant development plan landscape designations
- Landscaping proposals to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site; (ii) rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces.
- Traffic and Transport Impact Analysis, to be prepared in consultation with Louth County Council.
- Rationale for proposed parking provision with regard to development plan parking standards and to the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include details of parking management for the apartments. The proposed car and cycle parking provision should include areas designated for parking or drop off purposes associated with the neighbourhood centre and childcare facility.
- Detailed surface water drainage proposals to address issues raised in the submitted Opinion of Meath County Council dated 8th February 2019.
- Archaeological Impact Assessment to be prepared in consultation with the National Monuments Service.
- Topographical survey of the site and detailed cross sections to indicate existing and proposed ground levels across the site, proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures including public roads, the M1 and the Boyne River.
- Map of areas to be taken in charge.
- Assessment of potential impacts on residential amenities due to noise from the M1, along with related mitigation measures if necessary.

- Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
- Assessment of the capacity of schools in the area.

5.4. Applicant's Statement of Response

- 5.4.1. In response to item 1 the applicant refers to the statement of material contravention.
- 5.4.2. In response to item 2 it states that the previously permitted roundabout at the main entrance to the scheme has been replaced with a signalised junction. A separate footpath and cycleway is now proposed along the Sheephouse Road and public lighting and road drainage has been introduced along the site frontage. Linkages to the Boyne River walkway will be provided by widening the Oldbridge Road and providing a 2m wide footpath on the far side of it. Access to the pumping station for HGVs will be provided, as set out in the submitted engineering report.
- 5.4.3. In response to item 3 the applicant states that the scale of the apartment blocks at the north east of the site was reduced. More information on design and layout is set out in the submitted design statement and landscape and visual impact reports.
- 5.4.4. The specific information requested by the board has been submitted.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government's housing policy is set out Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016. The overarching aim of this Action Plan is to ramp up delivery of housing from its current under-supply across all tenures to help individuals and families meet their housing needs.
- 6.1.2. The government published the National Planning Framework in February 2018. Objective 3a is to deliver at least 40% of all new homes nationally within the built-up

footprint of existing settlements. Objective 3c to deliver at least 30% of new houses in settlements other than the cities. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

- 6.1.3. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 dph will be encouraged, and those below 30dph will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 6.1.4. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that peripheral urban locations are generally suitable for development at densities of less than 45 dph that includes a minority of apartments. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two bedroom apartments and 9m² for three-bedroom apartments,. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 6.1.5. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types

and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites

- 6.1.6. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 6.1.7. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

6.2. Designated Sites

- 6.2.1. The northern site boundary is adjacent to the River Boyne and River Blackwater SAC (002299) and SPA (004232), which are hydrologically connected to the SAC (001957) and SPA (004080) at the Boyne estuary.
- 6.2.2. The site adjoins the archaeological buffer zone that protects the UNESCO World Heritage Site of Brú na Bóinne including the monuments of Newgrange, Knowth and Dowth.
- 6.2.3. There are 2 no. Recorded Monuments on the site - ME020:088 Bronze Age sub soil cut enclosure in western part of northern field; and ME020:072 circular depression near southern site boundary, testing in 2008 found this to be modern and not archaeological.

6.3. Regional Policy

- 6.3.1. The Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031 identifies Drogheda as a regional growth centre. The strategy states that

key priorities are to promote the continued sustainable and compact growth of Drogheda as a regional driver of city scale with a target population of 50,000 by 2031. The objective is to provide for the regeneration of the town centre, the compact planned and co-ordinated growth of the town's hinterland along with enhancing Drogheda's role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. Objective RPO4.11 is that a cross boundary statutory Joint Urban Area Plan (UAP) for the Regional Growth Centre of Drogheda shall be jointly prepared by Louth and Meath County Councils in collaboration with regional authority. RPO4.14 is to promote self-sustaining economic and employment-based development opportunities to match and catch-up on rapid phases of housing delivery in recent years to provide for employment growth and reverse commuting patterns.

6.4. Local Policy

6.4.1. Meath County Development Plan 2013-2019

Development plan Variation no. 2 provides the core strategy. Drogheda is classified as a 'Large Growth Town I' in Co. Meath. Objective SS OBJ 8 applies:

To develop Navan and the Drogheda Environs as the primary development centres in Meath and to ensure that the settlements grow in a manner that is balanced, self-sufficient and supports a compact urban form and the integration of land use and transport.

Table 2.4 of the core strategy indicates a target of 857 no. residential units for Drogheda environs for the plan period, with an average net density of 43 units / ha.

Variation no. 2 adopted land use zoning objectives, to effectively replace LAP zoning objectives, and an Order of Priority for the development of zoned land. The development site is subject to 2 development plan zoning objectives. Most of the site, including the frontages to the Rathmullan Road, is zoned 'A2', to:

Provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy.

Aside from an area at the north western corner of the site, most of the A2 zoned lands also have an additional zoning objective, 'Residential, Phase II' (post 2019). Variation no. 2 states:

It should be noted that the inclusion of lands in Phase II which is indicated as being required beyond the life of the present County Development Plan i.e. post 2019, does infer a prior commitment on the part of Meath County Council regarding their future zoning for residential or employment purposes during the review of the present plan and preparation of a new County Development Plan expected to occur during the 2017 – 2019 period. Any subsequent decision will be considered within the framework of national and regional population targets applicable at that time, the Core Strategy and the proper planning and sustainable development of County Meath.

A strip of land along the River Boyne and M1 site frontages is zoned 'F1', to:

Provide for and improve open spaces for active and passive recreational amenities

Section 11.1.1 of the plan sets out general standards on building height. It recites the normal planning criteria which would apply in any event.

6.4.2. Drogheda Southern Environs LAP 2009-2015

The LAP was adopted in 2009 and amended following the adoption of the Meath County Development Plan 2013-2019. Objective SP1 incorporates the provisions of the amended county development plan regarding the release of phase II residentially zoned land into the location area plan. The development site is located in the Rathmullen character area. The following Specific Policy Objectives apply:

RM1 To ensure orderly development of the Rathmullen area and to integrate future residential development with the existing built form. To provide adequate permeability and pedestrian linkages with adjoining residential areas.

RM 2 To ensure that new development in the area does not impact on the natural, built and archaeological heritage of the area. In order to achieve this, new development must be screened from the Battle of the Boyne site, and care must be taken to ensure that any new sewage treatment facilities do not impact upon the River Boyne and River Blackwater SAC.

RM3 To ensure that the existing road network in the area is upgraded as part of any future development. A new access arrangement to the Rathmullen area from the Donore Road via the existing IDA business park should be explored.

According to section 6.2.3 of the plan the key issues to be taken into consideration for the future of the Rathmullen area are:

- To safeguard any future development in terms of impact on Boyne Valley, Battle of the Boyne site and Brú na Bóinne world heritage site.
- To build on the tourist potential provided by the amenity of the Boyne Valley and in particular to liaise with Drogheda Tourism to facilitate a walkway along the Boyne.
- To address the current access constraints that exist in the area in terms of the substandard road infrastructure.

6.5. Statement of Consistency

- 6.5.1. The net site area is stated to be 18.92ha, omitting the land that is not zoned residential or is occupied by arterial streets. The density of the scheme is therefore 35 dph. The scheme differs from that previously authorised by having a signalised junction rather than a roundabout at the main entrance and a main street running between both entrances and by spreading the apartments throughout the development. The proposed development would meet the objectives of the National Planning Framework by providing housing near the footprint of the existing town. It does not constitute urban sprawl. It provides a range of building types and heights in line with SPPR 1 of the guidelines on building height. The proposed development will provide a range of housing on a greenfield site beside Drogheda and so would be in keeping with the guidelines on sustainable residential development in urban areas. It would meet the 12 criteria set out in the design manual that accompanied those guidelines. The proposed apartments would comply with the guidelines on apartment design issued in 2018 including its specific planning policy requirements in relation to mix (with 8.5% of the apartments being one-bed units), floor area (including the requirement for most units to exceed the minimum by 10%) aspect, ceiling height, units per core, internal storage and private open space. 154 bike parking spaces would also be provided. The application is accompanied by a statement from consulting engineers that the development complies with DMURS. A flood risk

assessment is also provided in line with the guidelines on that topic. A proposal is included to provide social housing under Part V of the planning act.

- 6.5.2. In relation to the local policy, the proposed uses are in keeping with the zonings that apply to the site under the county development plan, with residential and ancillary uses on the A2 zoned land and open space proposed on the land zoned under objective F. A childcare facility would be provided in line with policy SOC POL 5. The development would contribute to the growth of Drogheda in line with its designation as a large growth town type I in the plan. The proposed housing mix and density are in line with the general principles set out in the plan including the criteria for high buildings at section 11.1.1. The standards for garden sizes at table 10.0 of the plan are cited. 35% of the site area would be open space which is well above the standard of 15% set out at section 11.2.2 of the plan. Car parking would be provided in line with the standards at table 12 of the plan. The bicycle parking is considered adequate even though it would not meet the standard of one-third of the car parking spaces. The development would be in keeping with the Planning Strategy for the Greater Drogheda Area adopted in 2007 because Rathmullan was identified as a core residential growth area in that strategy. The proposed development also complies with the zoning of the site in the Local Area Plan for the Southern Environs of Drogheda 2009/2015 except for the phasing programme for the release of residential land. The proposed development appropriately responds to the other provisions of the plan including those relating to Brú na Bóinne and the Boyne Valley Walkway, and by improving the footpaths and cycle paths adjacent to the Rathmullan Road.

6.6. **Statement of Material Contravention**

- 6.6.1. The applicant does not consider that including phase II lands in the site constitutes a material contravention of the provision of the development plan but has taken a conservative approach in the preparation of documents submitted with the application. If the board determines that the proposal is a material contravention then it can conclude that it was justified under section 37(2)(b)(iii) of the planning act having regard to the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Authority. It is relevant that planning permission had previously been granted for permission on the site which demonstrates that it is suitable for residential development. A 10 year

permission is being sought which means that the phasing plan would allow the development on the phase II land to occur after 2019.

- 6.6.2. The development of the site would meet the objectives of the county development plan that designate Drogheda as a large growth town of type 1. Drogheda failed to realise its growth potential between 2011 and 2016 when the census returns indicate that its population grew by 6.2%. The county's core strategy allocates 857 housing units to the southern environs of Drogheda in addition to 1,653 committed units, a total of 2,510. The council reported in the pre-application consultation that the committed development on the 58ha of phase I lands is 596 units. Another 1,470 units could be provided at a density of 35dph on the phase I lands that do not have housing or permissions, leaving a deficit of 444 units. The proposed development of 661 units would address this deficit. This does not take into account the possibility of some authorised units not being built. The timely review of the development plan was paused pending the completion of the RSES and there is a substantial demand for housing it is appropriate to bring forward proposals to develop this site now. When the local area plan was reviewed after the adoption of the core strategy the current site scored highly in the determination of which land should be included in phase I.
- 6.6.3. The Regional Spatial and Economic Strategy adopted for the Eastern and Midlands Region in June 2019 sets objectives for Drogheda including the adoption of a joint urban area plan to ensure it achieves targeted brownfield/infill growth of at least 30% and to promote it as an urban tourism destination. Drogheda's position as a regional growth centre means the inclusion of the phase II lands in the application is appropriate. The site will probably be earmarked for development in the joint urban plan.
- 6.6.4. The National Planning Framework targets the allocation of 40% of new housing development within and close to the existing footprints of built up areas. The proposed development would contribute to this. Objective 9 recognises the potential for significant growth in some settlements subject to adequate infrastructure and amenities and employment to support such growth. The lands at Rathmullan provide an opportunity for such compact growth over a 10 year period in line with employment growth in the town including on the lands zoned for that to its south. The lands are on the M1 transport corridor. The proposed development will constitute an

urban area comprising a high standard of design and ensuring a liveable and attractive environment for future residents in line with objective 4. It would provide a high standard of pedestrian and cycle permeability and linkage in line with objective 27. The council recognised the potential for employment growth in the southern environs in its submission and so the proposed residential development there would support a balance of uses that reduced the demand for long distance commuting.

- 6.6.5. The board has previously granted permission for housing development on phase II land at other sites under 300560, 303433 and 303253.

7.0 Third Party Submissions

- 7.1. Nine submissions on the application have been received. They can be summarised as follows-

- The local road network is not adequate to cater for the traffic that would be generated by the proposed development which would exacerbate the existing congestion in the area. Severe delays already occur at several junctions in the locality including those between the Rathmullan Road and Marley's Lane, the Bridge of Peace and the Highland Estate, as well as the junction between Marley's Lane and the Donore Road. The 661 homes proposed application will increase the number of houses served by the Rathmullan Road by 116% and significantly amount of traffic using the road network and those junctions. It will therefore worsen congestion. The submitted traffic impact assessments failed to properly describe the existing traffic problems in the area and underestimated the amount of traffic that would generated by the proposed homes, so its conclusions do not justify the development. The additional traffic from the authorised offices for the Education and Training Board at St Oliver Plunkett's school should also be considered. The proposed signalised junction at the Rathmullan Road and Sheephouse Road would lead to more delays than the roundabout that was previously authorised there. The proposed upgrades to the junctions at the Bridge of Peace and Marley's Lane would not provide additional capacity for traffic. Condition 3 of the permission LB17170675 for housing on the adjoining site required upgrades to the Rathmullan Road but these have not been carried out. Development should not proceed in the area

until a road connection has been provided through the IDA lands to the south to the Donore Road. The proposed development would also increase traffic on the rural roads to the west of the site which are not suitable for such traffic. The increased traffic would threaten the structure of the Obelisk Bridge and the character of Oldbridge. The proposed development would contribute to the growth of Drogheda and so worsen traffic congestion in Julianstown where noise levels exceed WHO limits and where air quality is poor. These impacts were not properly described in the EIAR and so it would be outside the board's jurisdiction to grant the current application.

- The proposed development would seriously injure the character of an area of historic significance beside the World Heritage Site at Brú na Bóinne including the site of the Battle of the Boyne and Oldbridge estate and village. The scale of the proposed development means that it would be visible from those places. If residential development is to occur on this site it should not be higher than 2 storeys. The proposed higher buildings do not meet the policies at section 11.1.1 of the development plan or section 6.2.3 of the local area plan. The site itself includes and adjoins lands that were part of the wider battle site including camps and the crossing point of the Boyne. Hedgerows should be retained to protect the heritage sites and the rural character of the surrounding area. The proposed 3 storey apartment block at the southern end of the site would be out of keeping with the character of the neighbouring houses and would unduly overlook, overshadow and overbear them, and the additional noise and light from traffic would disturb their occupation. The cut-off road would also be likely to attract illegal dumping. Housing in this part of the site and taller apartment buildings were omitted from the development previously granted permission by the board on the site. Social housing should not be concentrated in this part of the development. A contribution should be required to the company that is responsible for maintaining the character of Oldbridge village and its entry to the Tidy Towns competition.
- The proposed development would damage the natural heritage of the area. The site includes ex situ habitats for species of conservation interest for Natura 2000 sites. Bird surveys were not included in the submitted NIS. Adequate information was not submitted regarding otters and bats. Wintering Whooper

Swans and otters are identified for protection under the SAC. The proposed development cannot be carried out within disturbing bats which are protected under Article 12 of the Habitats Directive. The board is therefore legally precluded from granting permission for the current application.

- The proposed development would materially contravene the local area plan and the county development plan. A grant of permission would therefore vitiate the strategic environmental appraisal of those plans and would be illegal unless the SEA process is re-opened.
- The schools in the area do not have the capacity to accommodate the demand that the proposed development.
- There was inadequate consultation about the current proposal with the local community.

8.0 Planning Authority Submission

8.1. The submission from Meath County Council includes the minutes of a meeting of the area committee of elected representatives at which the current application was presented. The members expressed concern about the proposed development in relation to

- The capacity of the road network and the need to upgrade local roads at the junction of the Rathmullan Road and George's Street in the town.
- The impact on the site of the Battle of the Boyne
- The capacity of schools
- The scale of the development
- The amount and layout of open space
- The predominance of residential use
- The development of an edge-of-town greenfield site which would not promote a compact form for the town
- The failure to propose near zero emission building types
- The seeking of a 10 year permission which could lock in obsolete designs

- The failure to properly address issues of sustainability in the EIAR

It was suggested that an oral hearing should be held on the application.

- 8.2. The Chief Executive's report discusses aspects of the proposed development and the documents submitted with the application. It does not explicitly recommend whether permission should be granted or set out conditions that should be imposed, although it does indicate certain issues that it recommends that the board address.
- 8.3. The report states that the council is precluded from considering granting permission on phase II lands until the current county development plan is replaced. However the Chief Executive intends to propose that the entire site be included in phase I in the next development plan which is under preparation. The proposed development has a good mix of dwelling types and the net density of 35dph is acceptable. The proposed 5 phases do not appear to relate to the 12 neighbourhoods proposed in the scheme. Conditions should require road upgrades, the local centre and open space to be provided in earlier phases of development. The submitted documents do not demonstrate that the proposed houses would have adequate private open space in line with table 1.1 of the county development plan. The proposed boundary treatments are acceptable. The traffic analysis submitted with the application is summarised. The internal layout should be amended to reduce the number of cul-de-sacs. The proposed works to the Sheephouse Road arterial road should be reconsidered with a 6m wide carriageway and priority for the cycle lanes across the junctions with minor road. The developer should liaise with the developer of the site to the east with regard to the treatment of the road. A cycleway should be provided that links with the Boyne Greenway. The internal layout should comply with the requirements of DMURS. The proposed surface water drainage system is broadly acceptable subject to minor alterations. The requirements of waste management legislation will apply to the development and its construction. An agreement in principle has been reached regarding the transfer of units for social housing under Part V of the act. The proposals for a childcare facility are noted.
- 8.4. The Conservation Officer recommends that the scheme be amended to allow the national monuments to the south of the site to remain unobstructed. The Heritage Officer reports that the loss of hedgerows will reduce the efficacy of wildlife corridors in particular for foraging routes for bats. There has not been a survey of

overwintering or nesting by birds on the site. The proposed development will be visible from the Hill at Donore within the buffer zone of the World Heritage Site at Brú na Bóinne. It will have a significant negative effect on the cultural landscape at the site of the Battle of the Boyne. The Senior Planner has responded to this comment noting that the site is not at the site of the battle and is zoned land where housing was previously permitted by the council and the board. In relation to flood risk the Water and Drainage Department notes that some of the north part of the site where works are proposed are in flood risk zones A and B and so a justification test is required under the 2009 Flood Risk Management Guidelines. No concerns were raised by the Department of Culture, Heritage and the Gaeltacht regarding appropriate assessment. The EIAR is noted.

9.0 Prescribed Bodies

- 9.1. The **Office of Public Works** notes that the site is adjacent to the buffer zone of the World Heritage Site at Brú na Bóinne, and is 1.64km from its core area and 1.26km from the Oldbridge Estate that includes the visitor centre for the Battle of the Boyne site. The principle of residential development on the site is established by its zoning but the board should give careful consideration to its quantum due to the cultural sensitivity of the World Heritage Site. The development will be visible from the historic battlefield site (viewpoint PM06 in the landscape report) and will have a negative impact on the uninterrupted views of Mary McAleese Bridge from there. The purpose of the buffer zone is to protect views in and out of the area of Outstanding Universal Value and the OPW is concerned about the proximity of the proposed housing to the buffer zone. The board should give careful consideration to the location of the proposed development to ensure that the historical and archaeological value of the site and locality are not compromised. The OPW are concerned about the impact on traffic on the local road networks which serves a site that attracts over 400,000 visitors a year, including the Obelisk Bridge and the Engineer's Bridge and the Boyne Greenway. The Rathmullan Road serves as the main access route for emergency services. There is concern about the impact on the area's water supply. The name of the housing estate should not refer to Oldbridge.
- 9.2. The submission from **Louth County Council** notes the designation of the larger part of the site in phase II of the residentially zoned land to the south of Drogheda. It

would not be appropriate to develop these lands prior to 2019. The National Planning Framework states that a co-ordinated strategy is required for Drogheda in line with objective 70. The framework also recommends that 40% of housing be provided within the built up areas of town. The current site is greenfield. The RSES also has a policy to focused compact urban growth. The site is 3.5km from the railway station and 2km from the bus station at Drogheda. The 2007 planning strategy for Drogheda envisaged growth at Rathmullan that was based on an urban design framework that has not been adopted. The proposed development would not be in keeping with the Meath County Development Plan 2013-2019. An infrastructure planning report from Louth County Council stated that the development would require upgrades to the junctions with Marley's Lane and George's Street on Rathmullan Road.

- 9.3. **Irish Water** stated the proposed connections to its networks could be facilitated.
- 9.4. **An Taisce** noted that the site was 3km from the town centre and is not close to public transport or other services. It would exacerbate unsustainable car dependent development in Drogheda contrary to national policy of climate change. The area is not well served by cycle facilities. The internal layout is friendly to pedestrians, but the walk to town or the shopping centre would take at least 30 minutes. The closest bus stop is 1.2km from the nearer end of town and the route serving it is infrequent. The train station is 3.5km from the site. The development is therefore likely to generate significant traffic and have adverse effects on congestion.
- 9.5. The **National Transport Authority's** submission states that the site is greenfield and over 3km from that town centre and 1.5km from schools and local shops. The surrounding road network is largely rural. It has not been shown that the proposed road improvements are adequate to support development of this scale. The site is not served by public transport and the nearest bus stop is 1km away. No consideration has been given in the design to facilitating bus routes. The pedestrian and cycling infrastructure between the site and the town are incomplete, with no cycle lanes and only one narrow footpath. The number of cycle parking spaces is inadequate in relation to the standards for apartments at section 5.5.7 of the national cycle manual. Without better connections to the town centre and other destinations the proposed development is likely to be over-reliant on the car for local and non-local trips.

- 9.6. **Transport Infrastructure Ireland** stated that it would rely on the board to comply with official policy on development affecting national roads. The drainage regime for the M1 is independent and should not be affected by the proposed development. Neither should its landscaping. Any lighting should be designed and cowed to avoid any impact on the motorway.
- 9.7. The **Department of Arts, Heritage and the Gaeltacht** recommends that the archaeological mitigation measures set out at section 11 of the EIAR are implemented in full.

10.0 **Appropriate Assessment**

- 10.1.1. The northern boundary of the application site adjoins the Special Area of Conservation (SAC) for the River Boyne And River Blackwater sitecode 002299. The conservation objectives for that site is to maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected. The habitats are –
- 7230 Alkaline fens
- 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)*. * denotes a priority habitat
- And the species are -
- 1099 River Lamprey *Lampetra fluviatilis*
- 1106 Salmon *Salmo salar*
- 1355 Otter *Lutra lutra*
- 10.1.2. The Special Protection Area (SPA) for the River Boyne and River Blackwater sitecode 004232 extends along the river westwards from the motorway bridge c120m to the north-west of the current site. The conservation objective for the proposed development is to maintain or restore the favourable conservation condition of the bird species A229 Kingfisher *Alcedo atthis* here.
- 10.1.3. The SAC for the Boyne Coast and Estuary sitecode 001957 Its conservation objectives are to maintain the favourable conservation condition of the following habitats –

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1310 Salicornia and other annuals colonizing mud and sand,

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

and to restore the favourable conservation condition of the following habitats-

2110 Embryonic shifting dunes

2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes')

2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes')

The status of 1410 Mediterranean salt meadows (*Juncetalia maritimi*) as a qualifying habitat is under review.

10.1.4. The SPA for the Boyne Estuary sitecode 004080 lies c4.5m east of the application site. Its conservation objectives are to maintain the favourable conservation condition of the following species

A048 Shelduck *Tadorna tadorna*

A130 Oystercatcher *Haematopus ostralegus*

A140 Golden Plover *Pluvialis apricaria*

A141 Grey Plover *Pluvialis squatarola*

A142 Lapwing *Vanellus vanellus*

A143 Knot *Calidris canutus*

A144 Sanderling *Calidris alba*

A156 Black-tailed Godwit *Limosa limosa*

A162 Redshank *Tringa totanus*

A169 Turnstone *Arenaria interpres*

A195 Little Tern *Sterna albifrons*, and the following habitat –

A999 Wetlands.

10.1.5. The application site does not contain any of the habitats which are the subject of the conservation objectives of the SACs or SPAs, as is set out in the submitted Natura

Impact Statement (NIS) and the EIAR. The application site does not contain habitats that would support any of the species which are the subject of the conservation objectives of the SACs and SPAs, including bird species, as is clear from the information submitted in the NIS and EIAR. It is therefore concluded that the proposed development would not have the potential to have any direct effect on any Natura 2000 site.

- 10.1.6. The application site does not provide ex situ habitats that support populations of species in the adjacent or other Natura 2000 sites which are the subject of the conservation objectives of those sites, as is evident from the information submitted in the NIS and EIAR which is consistent with the observations of the site at the time of inspection. The assertions to the contrary in some of the submissions are not well founded and are not accepted. As the application site does not provide such ex situ habitats, the compilation of seasonal bird surveys would not provide useful information for appropriate assessment and is not required to complete screening.
- 10.1.7. The proposed development would provide housing on lands zoned for that purpose. The housing would be set back from the part of the site closest to the SAC at the Rivers Boyne and Blackwater with open space in between that would retain the linear woodland that faces the boundary with the SAC. The proposed development would not be likely to cause significant disturbance to the habitats and species in that SAC therefore. The foul effluent from the occupation of the houses would drain to the system serving Drogheda as a whole. Irish Water have reported that this system can facilitate the proposed development. Surface water runoff from the completed development would be attenuated to replicate the existing discharge regime with petrol interceptors that would prevent hydrocarbons being emitted at the outfall on a watercourse that drains to the Boyne within the SAC. The occupation of the proposed development is not likely therefore to have a significant effect on water quality in the Boyne or on Natura 2000 sites, therefore.
- 10.1.8. The NIS refers to a single potential for an effect of Natura 2000 sites which is the mobilisation to surface waters of sediment and other pollutants during construction that could damage the quality of waters in the downstream Natura 2000 site, which might in turn have an impact on the prey abundance in the SPA upstream. The NIS refers to 15 proposed ecological mitigation measures that are set out in the

submitted EIAR and the draft construction environmental management plan, 9 of which specifically refer to the protection of water quality. These are –

- Designated parking at least 50m from any watercourse
- The site compound will be located at least 50m from any watercourse. All potentially polluting materials will be contained within bunds with a capacity of 110% of their contents
- Fuels, oils, greases and other potentially polluting chemicals will be stored in bunded compounds at the Contractor's compound or at a location at least 50m from any stream. Bunds are to be provided with 110% capacity of storage container. Spill kits will be kept on site at all times and all staff trained in their appropriate use. Method statements for dealing with accidental spillages will be provided the Contractor for review by the Employer's Representative.
- Silt barrier devices will be installed between the works area and any watercourses to prevent any construction related sediments from entering the existing ditches and watercourses.
- Pouring of concrete will not be permitted within 50m of any watercourse during inclement weather
- A designated wash down area within the Contractor's compound will be used for cleaning of any equipment or plant, with the safe disposal of any contaminated water.
- Spill kits will contain 10 hr terrestrial oil booms (80mm diameter x 1000mm) and a plastic sheet, upon which contaminated soil can be placed to prevent leaching to ground water
- Any refuelling and maintenance of equipment will be done at designated bunded areas with full attendance of plant operative(s) within contained areas at least 50m from any watercourse
- All silt fencing remains actively managed and regularly checked until the construction works are completed

- The responsibility, reporting and management of silt fencing during the period after the construction has been completed will be clearly stated in the contract documents

10.1.9. While the NIS describes these as mitigation measures for the purposes of appropriate assessment, they are not. They constitute the standard established approach to surface water drainage for construction works on greenfield land. Their implementation would be necessary for a housing development on any greenfield site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. The impact cited in the NIS would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any rural area whether or not it is connected to a Natura 2000 site. There is no evidence on which to conclude that the applicant or any of its employees or successors in title would be likely to behave in such a manner.

10.1.10. So it is evident from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. A conclusion otherwise would be contrary to the information that is available to the board.

10.1.11. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the Special Area of Conservation at the River Boyne and River Blackwater 002299, the Special Protection Area at the River Boyne and River Blackwater 004232, the Special Area of Conservation at the Boyne Coast and Estuary 001957, the Special Protection Area at the Boyne Estuary 004080 or

any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

11.0 Environmental Impact Assessment

11.1. Environmental Impact Assessment Report

- 11.1.1. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and a the submission of an environmental impact assessment report is mandatory because the scale of the proposed development exceeds dwellings and the site is bigger than 10 hectares. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 14 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Section 1.6 describes the expertise of those involved in the preparation of the EIAR.
- 11.1.2. A submission has been made that the proposed EIAR is deficient because it does not consider the environmental effects of the growth of traffic caused by the development on air quality and noise levels in Julianstown. This argument is not accepted. As explained 12.5 of this report below, the impact of the proposed development on traffic in the immediate vicinity of the site would be acceptable. Julianstown is at a significant distance from the application site. It is clear from these circumstances that the proposed development would not be likely to have significant effects on the environment there. It would be unnecessary and futile for the EIAR to try to address potential effects on Julianstown which are neither likely nor significant.
- 11.1.3. Therefore I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above.

11.2. Alternatives

11.2.1. Chapter 2.10 of volume 2 of the EIAR provides a description of the main alternatives studied by the developer and the reasons for his choice. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in layout and building design. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

11.3. Likely Significant Direct and Indirect Effects

11.3.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.4. Population and human health, including noise and vibration

11.4.1. The proposed development would facilitate a significant increase in the population of Drogheda. To the extent that this increase is in line with national and local policy to foster sustainable development, this is considered to be a significant positive effect on the environment.

11.4.2. The proposed housing and ancillary uses would not introduce activities or processes into the area that would have the potential to have significant effects on human health. The increase in vehicular traffic that the proposed development might cause on the road network would have a negligible effects on noise levels compared to prevailing levels. Chapter 8 of the EIAR addresses the exposure to residents of the proposed development to inward noise from the traffic on the motorway, with survey results indicating that noise levels during the daytime range from 55-70dB_{L_{Aeq}16hrs} and those at night from 45-60dB_{L_{Aeq}8hrs}, which means that there is medium to high

risk that residents dwellings on the western part of the site could be exposed to excessive noise. Section 8.7.2 of the EIAR sets out mitigation measures to avoid this potential impact. These include a 4m berm along the buffer zone with the motorway, and specifications of the performance of glazing required on identified houses in the western part of the site, as well as requirements for vents. These measures should be adequate to mitigate the potential negative impact from noise from the motorway.

11.4.3. The works required to carry out the development would have the potential to emit noise to an extent that is typical for housing construction. This is described in section 8.6.1 of the EIAR. It is predicted that these would not be likely to have a significant impact at any noise sensitive receptor, including existing dwellings in the vicinity. Standard measures are proposed at section 8.7.1 of the EIAR to control noise emissions during construction as set out in BS 5229 (2009 +A1 2014). As the proposed works involve a minimal level of excavation and do not include piling, it is predicted that the works would not be likely to cause vibrations that could have a significant effect on the environment.

11.4.4. It is therefore concluded that the proposed development would not be likely to have significant effects on human health.

11.5. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

11.5.1. The potential for an impact from the development on Natura 2000 sites has been addressed in the screening for appropriate assessment at section 10 of the this report above. The site does not contain habitats which are protected under Directive 92/43/EEC and Directive 2009/147/EC, nor does it contain habitats upon which species protected under those directives depend.

11.5.2. The large majority of the site consists of agricultural land which does not contribute to biodiversity to any substantial extent. The proposed development would result in the loss of this habitat, but this would not have a significant effect on the environment. The development would retain within the oak/ash/hazel woodland at the north east of the site, which is the most ecologically significant habitat on the site, in the proposed open space. The development would result in the loss of c400m of hedgerow. This would result in the diminish the extent to which wildlife corridors functioned across the site for mammals, and the extent to which the site supports

foraging and commuting by bats. This extent of the potential impact would be reduced by the retention and augmentation of the landscaped buffer along the western side of the site. It would also be mitigated by the proposed linear landscaping and planting in the finished development and the design of public lighting in the proposed development. The residual impact on mammals and bats is likely to be minor and would not have a significant impact on the species concerned.

11.5.3. Section 5.5.3 of the EIAR identifies a potential for mortality to bats and birds during construction, in particular during the removal of hedges and trees and the demolition of buildings that could provide roosts for bats. An argument was made in one of the submissions that this means that the proposed development would be impermissible under Article 12 of the Habitats Directive. This argument is incorrect. Any killing or capture of those animals would be incidental to the proposed housing development rather than deliberate. It therefore falls within the regime established by the state under article 12.4 of the directive which involves licensing of works by the NPWS separately from any grant of planning permission. The EIAR makes it clear that the developer will comply with this licensing regime, so a grant of permission for the proposed development would not contravene the requirements of the Habitats Directive. The EIAR also specifies that bat boxes would be installed to mitigate the loss of roosting opportunities arising from the removal of the existing buildings on the site. These measures are likely to be effective.

11.5.4. Having regard to the foregoing, it is not likely that the proposed development would have significant effects on biodiversity.

11.6. Land and soil

11.6.1. The proposed development would result in the loss of c24ha of productive agricultural land. Given the extent of such land that would remain available in the region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site as the proposed housing would be provided on the relatively flat land away from the slope at the north of the site. Section 6.4.3 sets out standard soil handling methods to be employed during construction. It is therefore unlikely that the proposed development would have significant effects with respect to soil.

11.7. **Water, including flood risk assessment**

11.7.1. The proposed housing would lie on relatively flat land that is elevated over the channel containing the Boyne and its flood plain. The drainage characteristics of the site were altered by the construction of the M1 which diverted drainage from a watercourse flowing from the south-west that would formerly have crossed the site to the drainage system of the motorway. The statement in the flood risk assessment report submitted with the application that the proposed housing would be in flood zone C under the flood risk management guidelines is therefore accepted. The location of housing here meets the requirements of those guidelines and does not require further justification. The fact that the proposed development includes minor pavement works to an existing road closer to the river to the north of the proposed housing closer does not alter this conclusion. The proposed development includes a surface water drainage system that would attenuate surface water runoff from the proposed development before its outfall to the watercourse that leads to the Boyne. The relevant section of the council has indicated that the design of this system is satisfactory. It is therefore concluded that the proposed development would not be at an undue risk of flooding and that it would not exacerbate the risk of flooding elsewhere.

11.7.2. The works involved in the carrying out of the proposed development have been described in detail, as set out in section 10.1.8 of this report above, so that it can be concluded that they would not be likely to have a significant negative effect on water quality downstream of the site. The proposed surface water drainage system includes means to control the release of hydrocarbons at the outfall. The foul effluent from the proposed development would drain to sewerage system serving the town as a whole via a pumping station proposed as part of the application. Irish Water has reported that it can facilitate this connection. It is therefore concluded that the proposed development is unlikely to have significant effects on the quality of waters.

11.8. **Air and climate**

11.8.1. The impact of the proposed development on the climate would be negligible. The proposed housing and open space would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The impact of the proposed development on the level of traffic in the area would be

marginal and would not have a significant effect on the environment with respect to air, as set out in section 9.6.2 of the EIAR. There is a potential for dust emissions to occur during construction but standard means are proposed to mitigate this potential as set out in section 9.7.1 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

11.9. **Material assets**

11.9.1. The proposed development would provide another 661 homes in Drogheda, compared to the 16,034 that were recorded there at the 2016 census. It would therefore have a significant positive effect on the material assets available in the area.

11.10. **Cultural heritage**

11.10.1. The site does not contain any protected structures. There are 2 recorded monuments on the site. Investigations have indicated that one of them (ME020-072) is a modern structure. The other one (ME020-088) is an enclosure dated to the Bronze Age. It would be preserved in situ during and after proposed development as part of the open space. The site has been previously subject to archaeological testing and section 11.13 of the EIAR specifies that works to carry out the proposed development will be subject to monitoring to allow any further archaeological remains to be preserved by record. It is therefore concluded that the proposed development would not be likely to have significant direct negative effects on cultural heritage.

11.10.2. The placename "Oldbridge" has become associated with suburban development in this part of Drogheda. It would be rather quixotic to prohibit its use for the proposed development.

11.10.3. Several of the submissions assert that the proposed development would have a significant negative indirect effect on cultural heritage because it would be visible from or would alter the setting of sites of cultural and historic significance including those within the World Heritage Site at Brú na Bóinne. References were made to the site of the Battle of the Boyne and various actions connected to it, and to the village and estate at Oldbridge. Similar concerns are raised in the submission from the OPW and the report from the council's heritage officer. They are misplaced. The site is outside the buffer zone designated around the World Heritage Site. There is a

motorway in between them. The motorway is a substantial modern physical structure that clearly separates the application site from the buffer zone around the World Heritage Site and the wider countryside to the west of the site. The application site adjoins the existing built up area of Drogheda. Its context is clearly urban. Its development for housing would be involve an appropriate and proportionate expansion of the town. It would not have a negative effect on the setting of the World Heritage Site and Brú na Bóinne or the various individual sites of cultural and historical within it, unless one were to regard agricultural fields as intrinsically superior to housing estates in any context. The fact that it may be possible to notice that the site had been developed for housing from sites of historical and cultural interest does not imply that any damage has occurred to cultural heritage. Most of Drogheda is visible from the graveyard at Donore and so the proposed development would have a negligible impact on its setting and no effect at all on its cultural heritage. Suburban two-storey houses are a built form that became predominant in the 20th century. The restriction of development on the application site to that format would not protect or enhance the setting of sites whose significance relates to other historical periods. The proposed development would respect the zoning and maintain the existing character of the northern part of the site nearer the Boyne, so it would not change the setting of the river. It is therefore concluded that the proposed development would not be likely to have significant negative indirect effects on cultural heritage either.

11.11. The landscape

- 11.11.1. The northern part of the site near the Boyne is wooded and provides the setting for the riverbank. It has a significant landscape value. The proposed development would maintain its character and the immediate setting of the river.
- 11.11.2. The proposed development would change the rest of the site from agricultural fields to a housing estate. This would significantly alter its character. This part of the site consists of relatively flat but elevated land that lies between the existing built up area of Drogheda and a motorway. Its context is already urban. The changes that would arise from the proposed development would not, therefore, have a negative effect on the landscape.

11.12. Interaction between the factors

11.12.1. The potential impact of the development on soil, water and biodiversity interact due to the need to avoid the emissions surface waters to protect water quality. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. The various interactions were properly described in the EIAR and have been considered in the course of this EIA,

11.13. **Cumulative Impacts**

11.13.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the neighbouring site to the east upon which construction has already commenced. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale would be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. A submission was made that, because the proposed development materially contravenes the development and local area plan, then a grant of permission could not be made for it unless the SEA of those plans was re-opened. This argument is not accepted. The contravention of the plans relates to the order of priority for development which they set out. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the plans. It is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.14. **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course

of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant positive effects with regard to population and material assets due to the increase in housing that it would provide in the town
- A significant effect on land and the landscape by the change in the use and appearance of a large part of the site from agricultural and to residential. Given the location of the this part of the site between the built up area of the town and a motorway, this effect would not have a significant negative impact on the environment.
- Potential effects on air during construction due to the emissions of dust and noise which would be mitigated by appropriate measures

The proposed development is not likely to have significant adverse effects on human health, biodiversity, soil, water, air, climate or on cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial alterations to it.

12.0 **Assessment of other issues**

12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Policy
- Layout and design
- Residential amenity
- Access and parking

12.2. **Policy**

12.2.1. The development is consistent with the zoning of the site under the development and local area plans with housing and ancillary uses proposed on the land zoned residential under objective A2 and open space on the land zoned for that purpose

under objective F1. The childcare facility would be in keeping with the guidelines on that topic. The proposed uses are therefore acceptable.

- 12.2.2. The net density of the proposed development is 35 dph, excluding the parts of the site zoned open space and that which would be occupied by public roads serving a wider area. This is consistent with the range of 35-50dph recommended under the 2009 sustainable urban residential guidelines for this type of greenfield site on the edge of a town. The amount of development proposed is therefore acceptable.
- 12.2.3. There is disagreement between some of the submissions and the analysis submitted by the applicant regarding the capacity of schools in the area. As the site is zoned for residential use, it is not considered that the disagreement would justify refusing permission for the development.
- 12.2.4. The larger part of the development would consist of 2 storey houses but there would also be proportion of apartments (23%) that would be located in buildings that are 3, 4 or 5 storeys high. The proposal to provide slightly higher four and five storey buildings at the lower northern end of the site near the river and McAleese Bridge is an appropriate design response to the context of the site. The mix of dwelling and building types that is would be provided is reasonably wide for a greenfield site on the edge of a large town. It would therefore comply with SPPR 4 of the 2018 guidelines on urban development and building height. The proposed apartment buildings would be in keeping with the criteria set out at section 11.1.1 of the development plan although SPPR4 of the guidelines would take precedence over those provisions in any event. The mix of house and building types is therefore acceptable.
- 12.2.5. The proposed development would safeguard the natural and cultural heritage and tourist potential of the Boyne Valley, as discussed in sections 10 and 11 of this report above. As discussed in section 12.3 and 12.5 below it would have an appropriate layout with proper connections to the existing built up area of the town. It would therefore comply with section 6.2.3 and objectives RM1, RM2 and RM3 of the local area plan.
- 12.2.6. Nevertheless the proposed development would materially contravene the provisions of the development plan inserted by variation no. 2, including its core strategy, because it involves building on the part of the site that is designated as residential

'Phase II' . The amended plan makes it clear that these lands are not available for development under the plan and their future status is to be reconsidered in the preparation of the next development plan in the context of the national and regional population targets available at the time. Similar provisions were inserted in the local area plan. The fact that the development could only now occur after 2019 does not alter its status as a material contravention of the development plan because the future status of the phase II part of the site has not yet been reconsidered in the making of a new plan. This process has begun but not finished. A regional strategy has been adopted and a draft development plan has been prepared. However a grant of permission on this application would prejudice the completion of the process in the manner as set out in current development plan and in Part II of the planning act. So, following section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the board can only grant permission if it considers that the circumstances set out in section 37(2)(b) of the planning act apply. The provisions of the draft development plan are not relevant to this consideration.

12.2.7. The proposed development is a strategic housing development and so section 37(2)(b)(i) of the act applies in this case. The provisions of the development plan are clearly stated insofar as the development is concerned and the pattern of development for which permission has been granted in the current plan in 2013 would not justify granting permission in this case, so sections 37(2)(b)(ii) and (iv) are not applicable. In relation to section 37(2)(b)(iii), it is noted that the site is greenfield land outside the built up area of Drogheda. Its development for housing would not contribute to objective 3a of the National Planning Framework that 40% of all new homes would be within the existing built up area of existing settlements. Nor would it contribute to the objectives of the recently adopted regional strategy that seek the regeneration of brownfield lands and the centre of the town or to those which seek the adoption of a joint urban plan for Drogheda. The proposed development would contribute to the general policy of the government to increase the output of housing that was expressed in the Rebuilding Ireland. It would be consistent with objective 11 of the National Planning Framework to encourage more people to live and work in existing settlements. It would also contribute to the objectives of the regional strategy which designate Drogheda as a regional growth centre with a target population of 50,000. The

situation of the current site is that it is bound by a river, a motorway, by existing housing and by land where housing is being built or which is zoned for employment uses. It is therefore highly unlikely that a grant of permission for residential development on this site would encourage further residential development on adjoining land further out from town. Therefore, notwithstanding the separation between the site and the town centre and railway station at Drogheda (cited in the submissions from An Taisce, the NTA, Louth County Council and others) the proposed development would be in keeping with the sustainable development of Drogheda in a reasonably compact and coherent form. A grant of permission under the SHD process for a period of 5 years in contravention of the development plan would therefore be a proportionate action to meet the pressing demand for housing recognised in government policy and would consistent with some of the provisions of the National Planning Framework and current regional strategy because it would allow the rapid delivery of housing. As such it would be justified under section 37(2)(b)(iii) of the planning act.

12.2.8. A grant of permission for 10 years would have no such justification. There is nothing about the nature and extent of the proposed development in terms of its scale or the infrastructure required to support it that would justify a 10 year permission even if it did not contravene the development plan. Granting a 10 year period on the current application would prejudice the proper planning of the area in both the current and the following plan making cycles even if the site were to remain vacant. It would therefore be contrary to section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and to sections 37(2) and 41 of the planning act.

12.3. **Layout and design**

12.3.1. The internal layout of the proposed development would be permeable with each part being readily accessible from the others. It would also be legible, with clear higher order routes from the two main entrances off the public road through the site that would travel towards to the park at the northern end of the site. Proper frontage would be provided along most internal streets. The block sizes largely conform with the dimensions recommended in section 3.3.2 of DMURS. The submission from the planning authority queried the series of cul-de-sacs along the western side of the scheme in relation to the advice in DMURS that this form should be used sparingly. However it is a reasonable design response to the circumstance whereby the

motorway forms a permanent barrier to movement along the edge of the site. The Oldbridge Road to the north of the proposed signalised junction would remain rural in character with the retention of the woodland along this edge of the site facing the riverbank. The pre-application opinion from the board referred to the need to provide a strong frontage onto the Rathmullan and Sheephouse Roads. The proposed development addresses this need to a limited extent only. None of the proposed buildings fronting onto those roads. The proposed development, in conjunction with that occurring on the neighbouring land to the east, would render the Sheephouse Road into an urban street within the built up area of Drogheda. The proposed internal access roads parallel to the Sheephouse Road therefore represent a poor form of urban design that departs from the principles of DMURS. The deficiency could not be remedied by alterations that could be defined precisely enough to be imposed by condition, but it is not serious enough to justify refusing permission. The proposed development would provide streets that would face towards the Sheephouse Road as well as direct pedestrian and visual access from that road to the local centre containing the creche and shop. The proposed buildings would achieve a satisfactory standard of architectural design. The proposals for landscaping, boundary and surface treatments are well considered, including those for the park to the north of the site, the central square and the open space containing attenuation features along the road from the signalised junction on the . The layout and design of the proposed development is therefore acceptable, and it is considered that it would provide an appropriate and attractive extension to the town of Drogheda.

12.4. Residential amenity

12.4.1. The submitted documentation demonstrates that the proposed apartments would comply with the applicable standards from the 2018 design guidelines, including its SPPRs, with regard to the proportion of one-bedroom units; the floor areas of apartments and their rooms (including the requirement for most of them to exceed the minimum by at least 10%); the provision of private open space; ceiling heights; the proportion of single aspect units; and the number of apartments per core. The submitted documents and drawings are not clear that ground floor apartments would have adequate privacy in line with the advice at section 3.41 of the guidelines. They appear to show public roads that would be taken in charge by the council

immediately beside windows onto habitable rooms and balconies in some of those apartments in a way that would unnecessarily interfere with their residential amenity. Fewer details than usual were submitted in relation to the bin storage and bicycle parking for the apartments and it is not clear they would be in reasonably accessible and secure situations relative to the apartments that they would serve. This issue could be resolved with altering the overall number of apartments or the general layout of the scheme. It can therefore be addressed by a condition requiring a post-consent submission to the council. The layout of the development avoids undue overlooking and overshadowing between the proposed dwellings. The houses are of an acceptable size. The layout plans demonstrate that each would be provided with adequate private open space in their back gardens. The overall scheme provides a large amount of public open space that is properly located. Suitable landscaping plans have been provided for each of the spaces. It is therefore concluded that the proposed development would provide an acceptable standard of residential amenity for its occupants.

12.4.2. The south-eastern part of the proposed development would be close to two existing houses on the Sheephouse Road. The proposed urban development would fundamentally change the character of the area in which these houses stand. This change is in line with planning policy as set out in the zoning objectives of the development and local area plans that apply to the site. It is proposed to build a 3-storey block (E) of 12 apartments near the existing houses. The proposed block would be c11m high. This height is not excessive for a suburban area. The block would be located on the opposite side of the existing road from the houses with a separation distance of c35m. In these circumstances it is not considered that the proposed development would seriously injure the amenities of existing residential properties either by overbearing, overshadowing, overlooking or otherwise. The location of the access to the car park serving the apartments across the road from the existing houses would not give rise to a level of disturbance that would justify amendments to the proposals. The applicant proposes that the 12 apartments in that block would be provided as social housing under Part V of the act, along with another 54 units scattered though the site. One of the submissions stated that the Part V housing should be not be concentrated in such a manner. However the overall provision of Part V units would be quite dispersed. The provision of some of

the Part V units in a single location can allow for a more efficient management and allocation of social housing. In any event the board's role in relation to Part V under SHD applications is limited to the imposition of a condition requiring agreement with the housing authority. The submission also stated that the diversion of the main line of the Sheephouse Road would leave the existing road between the houses and Block E at risk from dumping. However the proposed apartment block would increase the supervision of this part of the exiting road, which would remain as a loop rather than a cul-de-sac. In these circumstances it is not considered that the proposed development would seriously injure the amenities of property in the vicinity of the site.

12.5. Access and parking

- 12.5.1. The proposed development would provide 2 car parking spaces for each house and with 1.25 for each apartment, along with 96 visitor spaces and 42 to serve the creche, shop and café. This provision is in line with the standards set out in table 11.9 of the development plan and is acceptable for a greenfield site on the edge of a town. The provision of bike parking for the apartments is limited, but the matter can be addressed by condition.
- 12.5.2. The proposed internal street layout is suitable for pedestrian and cycle movements. The proposed signalized junction would provide them with convenient access to the street network in the existing town, particularly when compared to the roundabout that was previously permitted in the same place. The pedestrian and cycle facilities on the Rathmullan Road between the site and the town centre are limited and upgrades could be considered by the roads authority. However their limitations are not so severe that they would hinder safe access by pedestrians to the town centre and so they would not justify refusing permission for the development. The northern part of the site is a steep slope where the retention of trees is desirable on landscape and biodiversity grounds. It would not be prudent to require a cycleway at this location. The proposed works to the Oldbridge Road would improve the environment for cyclists accessing the Boyne Greenway even if separate facilities are not provided. The streets proposed in the development include a 6m wide internal street through the estate, as well as a loop along the existing line of the Sheephouse Road at the south of the site. These features would facilitate the extension of the town's local bus service to serve the proposed development.

12.5.3. The larger part of the submissions from the public stated that the proposed development would have an unacceptable impact on traffic and that it would exacerbate congestion on the roads in the town as well as generating more traffic on the surrounding rural road network which could not safely accommodate it. Similar points were made the submissions from the OPW, the elected members of Area Committee of Meath County Council and that from Louth County Council.

12.5.4. Drogheda is a large town with a population of 40,956 recorded at the 2016 census. The site is at the edge of the town of c2km from its centre. The Rathmullan Road links the site with the town centre. The dimensions and characteristics of that road from the site to the town centre are in line with those specified for arterial urban streets in DMURS. These are the applicable standards for a street that would run from the edge to the centre of a town of the size of Drogheda. The proposed development would provide a signalised junction to link the new housing to the Rathmullan Road. The form and dimensions of the proposed junction are appropriate for its role and context. The proposed signals would be preferable to the roundabout previously authorised at this junction because they provide better facilities for pedestrians and cyclists and would allow more effective traffic management by the roads authority. The road network in the area is therefore suitable to accommodate the proposed housing development without giving rise to traffic hazard or obstruction. Neither would the proposed development tend to create serious traffic congestion. The descriptions of existing traffic congestion along the Rathmullan Road in the submissions on the application are accepted as accurate. However periodic congestion is a perennial feature of urban roads. Refusing permission for the proposed development would not relieve existing congestion. It would be likely to displace the latent demand for housing to other places that are further from the town and the facilities and services it provides. The net effect of that would be to increase the distances that people have to travel and so increase the amount of traffic on the streets in the town and the rural roads around it. This would tend to make congestion in the town worse and the surrounding country roads less safe than if the proposed development adjoining the town proceeded. Louth County Council, as the planning and roads authority for most of Drogheda, would have to address the need to improve the road network in the town (including the junctions of Rathmullan Road with the Bridge of Peace and Marley's Lane) regardless of whether

or not the present application is granted. Meath County Council would also have to address the need for a road from Sheephouse Road to the Donore Road through the lands which it has zoned from employment uses. Refusing permission in this case would not make these responsibilities any less onerous.

12.5.5. The Traffic and Transport Assessment submitted with the application is noted, as are its forecasts for the operation after the occupation of the development of the junctions on the Rathmullan Road at the main entrance to the scheme, at Marley's Lane and at the Bridge of Peace (which assume that proposed improvements to the latter two junctions have been carried out by others) as well as the junction between Marley's Lane and the Donore Road. An section of a chapter in the EIAR also referred to traffic although it is not one of the topics set out in schedule 6 of the planning regulations. The forecasts are considered reasonable, although the submissions on the application contained various specific criticisms of the assumptions that were used. However traffic forecasts depend on predictions of variable human behaviour as much as they do on the physical characteristics of roads. Furthermore the allocation of the common resources that are invested in the road network is a matter of choice and therefore public policy. It would therefore be unwise to place too great an emphasis on the results of traffic models rather than on the zoning and other provisions of plans that were duly made by elected councillors when considering whether particular proposals are in keeping with the proper planning and sustainable development of an area.

12.5.6. The proposed development includes works to public roads along the northern, eastern and southern side of the site. The proposed works to the Oldbridge Road to the north of the signalised junction at the entrance to the scheme are relatively minor. They would involve the laying of a footpath on one side of the road only, along with rationalisation of drainage. This would provide pedestrian access to the walkway along the Boyne without changing the function of the road as a minor country road or impinging on the rural and rather sylvan character of the riverbank. The proposed treatment of the Oldbridge Road is therefore acceptable. The proposed development would not change the role or nature of that road and would not have an effect on the character of the Oldbridge Estate and village to the west, nor would it pose a threat to the Obelisk and Engineers Bridges. There would be no

basis on which to impose a financial contribution towards the cost of amenities in the estate or village.

- 12.5.7. The proposed upgrade works to the Sheephouse Road to the south of the signalized junction are not as well considered. The road is currently a minor local road. The development would change it to a suburban street through a residential area. It would therefore be an arterial street under DMURS, but not one that would be frequently used by larger vehicles. The proposed carriageway width of 7m is therefore excessive and should be reduced to 6m to comply with section 4.4.1 of DMURS. A cycle lane is shown on one side of the road. It is not segregated from the footpath, does not cross the junctions with minor road and mixes cyclists with pedestrians at major junctions. As such it fails to conform to any of the standards for cycle facilities set out in the National Cycle Manual. The submitted proposals for Sheephouse Road also fail to refer to the authorised development on other side of the road that has now commenced. Nevertheless these deficiencies could be remedied without changes the general layout of the proposed development. So the matter can be addressed by a condition requiring a post consent submission to the planning authority.
- 12.5.8. Having regard to the foregoing, it is concluded that the proposed development would be acceptable with regard to access and parking.

13.0 Recommendation

- 13.1. I recommend that permission be granted subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the site's location adjoining the built up area of Drogheda on lands with a zoning objective for residential development in Meath County Development Plan 2013-2019 and the Local Area Plan for the Southern Environs of Drogheda 2009-2015, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by

the Department of the Housing, Planning and Local Government in March 2018, the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018, and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the cultural or natural heritage of the area or the amenities of property in the vicinity, would provide an appropriate extension to the built up area of the town and an acceptable level of residential amenity for its occupants, would not be at undue risk of flooding and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the particular context of the site and to the nature and extent of the proposed strategic housing development, the board considered that a grant of permission with an appropriate period of no more than 5 years that materially contravened the restrictions on the release of lands zoned for residential development in phase II set out in the Meath County Development Plan 2013-2019 and the Local Area Plan for the Southern Environs of Drogheda 2009-2015 would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, by the government policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016 and by the provisions of the Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031 which designate Drogheda as a regional growth centre with a target population of 50,000.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Special Area of Conservation (SAC) for the River Boyne And River Blackwater sitecode 002299, the

Special Protection Area (SPA) for the River Boyne and River Blackwater sitecode 004232, the SAC for the Boyne Coast and Estuary sitecode 001957 the SPA at the Boyne Estuary sitecode 004080 taking into account the nature, scale and location of the proposed development, the Natura Impact Statement and Environmental Impact Assessment Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the above European Sites or on any other European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

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

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant positive effects with regard to population and material assets due to the increase in housing that it would provide in the town
- A significant effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural and to residential. Given the location of the site between the built up area of the town and a motorway, this effect would not have a significant negative impact on the environment.
- Potential effects on air during construction due to the emissions of dust and noise which would be mitigated by appropriate measures

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, air, climate or on cultural heritage. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 14 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in

accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The appropriate period of this permission shall be 5 years from the date of this order. The development shall be completed within that period in accordance with a revised phasing plan that shall be submitted and agreed in writing with the planning authority prior to the commencement of development. The revised phasing plan shall specify when the authorised works to upgrade the Oldbridge and Sheephouse Roads shall be completed.

Reason: To ensure the timely and orderly development of the site for housing in accordance with national and local policy

3. The mitigation and monitoring measures outlined in Chapter 14 of the environmental impact assessment report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment

4. The proposed works to the Sheephouse Road to the south of the proposed signalised junction on the Rathmullan Road shall be amended as follows-
 - a) The carriageway shall be no more than 6m wide
 - b) A footpath at least 2m wide shall be provided along the side of the road adjacent to the authorised housing
 - c) The proposed cycle lane shall be omitted. If adequate space is available then cycle lanes at least 2m wide shall be provided on both sides of the road which shall conform to the standards set out at section 4.3.2.1 of the National Cycle Manual and which shall be segregated from the pedestrian footpath, maintain priority over minor roads at junctions and bring cyclists across the junction at the Rathmullan Road integrated with traffic. If adequate space is not available to meet these specifications,

then no separate cycle facilities shall be provided and the resulting land shall be accommodated into the footpath or landscaped verges.

Revised plans showing compliance with these requirements and showing the works in relation to the authorised development on the land on the other side of the Sheephouse Road shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

5. The treatment of the land adjacent to the authorised apartment buildings shall provide the ground floor apartments with adequate privacy in accordance with the advice at section 3.41 of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018. Each of the apartment buildings shall have bin storage and bicycle parking facilities in accordance with the advice at section 4 of those standards that are accessible, sheltered and secure with adequate storage for at least 1.5 bicycles per apartment. Prior to the commencement of development revised plans shall be submitted and agreed with the planning authority which illustrate how these requirements will be met.

Reason: To provide a proper standard of residential amenity for the occupants of the permitted apartments

6. The proposed house type 3-10 on plots K0-1, K02, K-23 and K-24 shall be revised to provide adequate overlooking of the adjoining open space from the side elevations of the houses on those plots. Revised plans demonstrating compliance with this requirement shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide adequate levels of security and amenity in one of the proposed open spaces

7. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority is obtained to minor departures from those details

Reason: In the interests of visual amenity

8. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

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

Reason: In the interests of visual and residential amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

11. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

13. 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 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. 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

17. 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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

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

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

Stephen J. O'Sullivan
Planning Inspector

17th January 2020