



An
Bord
Pleanála

Board Direction
BD-005593-20
ABP-306224-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/04/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the site's location at the edge of Dundalk Town Centre on lands with the zoning objective Town Centre Mixed Use under the Dundalk and Environs Development Plan 2009 – 2015 (as varied);
- b) the policies and objectives in the Louth County Development Plan 2015-2021;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- d) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- e) the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- f) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- g) 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;
- h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018
- i) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009
- j) the nature, scale and design of the proposed development;
- k) the availability in the area of a wide range of social and transport infrastructure;
- l) the pattern of existing and permitted development in the area;
- m) the submissions and observations received, and,
- n) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for

Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites:- Carlingford Mountain SAC (site code 000453), Carlingford Lough SPA (site code 004078), Carlingford Shore SAC (site code 002306), in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, the Dundalk Bay Special Area of Conservation (site code 000455) and the Dundalk Bay Special Protection Area (site code 004026).

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European sites, namely the Dundalk Bay Special Area of Conservation (site code 000455) and the Dundalk Bay Special Protection Area (site code 004026).in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the conservation objectives for these European sites, and

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environment Impact Assessment screening section of the Planning Report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, in an established urban area at the edge of Dundalk town centre on a brownfield site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows with regard to transportation, pedestrian/ cycle and roads requirements:
 - (a) The layout of the internal courtyard shall be revised such that adequate pedestrian and cycle routes are provided from the site entrance around the perimeter, along with car parking areas, cycle parking and bin storage, in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS).
 - (b) The roads and traffic arrangements serving the site, including road signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (c) The vehicular access from The Long Avenue, along with associated pedestrian and cycle facilities shall be in accordance with the detailed

requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (d) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (f) All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.
- (g) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the Audit.
- (h) A Mobility Management Plan for the development, to include parking management for the apartment blocks and proposals for a car sharing scheme, shall be prepared and submitted to the Planning Authority for its written consent prior to the commencement of development.
- (i) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and sustainable transportation.

3. Standard EV
4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Drainage arrangements shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site. The proposed development shall be modified as follows with regard to surface water drainage and flood risk requirements:

- (a) Full details of all existing and proposed Finished Floor Levels shall be submitted to the satisfaction of the planning authority prior to commencement of development, with regard to the submitted Flood Risk Assessment.
- (b) A revised site layout indicating a revised location for the attenuation tank such that it does not impinge on the road reservation on the northern side of the

site shall be submitted to the planning authority for agreement prior to the commencement of development.

- (c) The design of the channel for the Rampart River should allow for the passage of fish and provide fish friendly instream habitat, as far as is practicable.

Reason: In the interest of protecting the environment and public health and in order to avoid undue flood risk.

- 5. 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, subject to the following amendments –

- (a) The proposed render finishes to the gables of the apartment blocks shall be replaced by a more durable finish, such as stone or brick.

- (b) The boundary treatment at 'Boundary F' facing the junction of Hill Street and The Long Avenue and the boundary treatment along the extent of The Long Avenue shall be amended such that a more visually permeable boundaries with a high quality finishes are provided at these locations.

Details showing the required amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity and to ensure the provision of durable boundary treatments.

- 6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the

development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

7. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house/unit within the relevant phase of the development.

Reason: In the interests of amenity and public safety.

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

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

9. The developer shall comply with the following requirements:
 - (a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, those areas of the site that will be taken in charge by the planning authority.
 - (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted

development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

10. 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.

11. Standard construction working hours

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, noise management measures and off-site disposal of construction/demolition waste.

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

13. 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.

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

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

15. 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

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. 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.

Conditions

Board Member

Date: 16/04/2020

Terry Prendergast