



An
Bord
Pleanála

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

Inspector's Report ABP-306224-19

Strategic Housing Development

114 apartments and ancillary commercial development involving 2 no. retail units, medical centre and office.

Location

Connolly's Field, Junction of Hill street and The Long Avenue, Dundalk, Co. Louth

Planning Authority

Louth County Council

Applicant

Sprucetree Park Limited

Prescribed Bodies

Inland Fisheries Ireland
Irish Water

Observers

None on file

Date of Site Inspection

18th March 2020

Inspector

Sarah Moran

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre- Application Consultation.....	6
6.0 Relevant Planning Policy	9
7.0 Third Party Submissions	17
8.0 Planning Authority Submission	18
9.0 Prescribed Bodies.....	20
10.0 Planning Assessment.....	21
11.0 EIA Preliminary Assessment.....	36
12.0 Appropriate Assessment	37
13.0 Conclusion	42
14.0 Recommendation	42
15.0 Reasons and Considerations	43

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 development site, known as Connolly's Field, is located on Hill Street (R215) on the southern side of Dundalk, at the edge of the town centre. This is a prominent location on one of the main gateways to the town centre. The area north and east of the site is generally characterised by retail outlets including Tesco, Lidl and The Marshes shopping centre as well as neighbourhood land uses. There are residential areas to the south and west at The Long Avenue to the south of the site and Bridge Crescent to the north west. The Crescent Architectural Conservation Area (ACA) is located north west of the site. The site is c. 580m from Dundalk train station and there are two bus stops on Hill Street Bridge.
- 2.2. The site has a stated area of 1.034 ha. It is currently a disused car park with vehicular access to The Long Avenue along the southern boundary. There are terraced two storey houses on the southern side of The Long Avenue, facing the development site. Hill Street forms the western site boundary but is on a bridge and embankment and at a higher level than the site. There are undeveloped lands further to the west of Hill Street on the other side of the R215, also at a lower level than the road. The northern site boundary is shared with the Tesco shopping centre. A total of 0.921 ha of the site is owned by the applicant. A strip of land inside the northern and western site boundaries is owned by CIE / Iarnród Eireann, comprising a former rail line along the northern site boundary and an embankment to Hill Street bridge. These lands do not form part of the proposed development. There is a road junction at The Ramparts at the north eastern corner of the site, that serves the Tesco and Lidl centres as well as the development site. There is a pedestrian route from the junction to The Long Avenue, which runs along the eastern site boundary. These lands are owned by Louth County Council but are included in the development site (stated area 0.11 ha), a Letter of Consent from the council is submitted. The Lidl car park is further to the east.

2.3. The Blackwater river flows underground to the south east of the site and the Rampart River flows north east of the site. Sections of this river are culverted. There is an open section at the Tesco lands to the north of the development site.

3.0 Proposed Strategic Housing Development

3.1. The development involves 114 apartments as follows:

UNIT TYPE	NO. OF UNITS	%
1 bed apartment	51	45%
2 bed apartment	43	38%
3 bed apartment	20	17%
Total	114	

The stated gross residential density is 123 units / ha, net density of 148.2 units/ ha. The scheme is laid out in three no. 4-6 storey Blocks A, B and C, each with private amenity roof gardens. The scheme includes 70 no. units that are to be occupied by elderly residents and managed by an Approved Housing Body (Blocks B and C), with the remaining 44 no. units in private use. The application also includes:

- Commercial development on the ground floor of Block A comprising two no. retail units (405 sq.m.), medical centre (728 sq.m.) and office (74 sq.m.).
- Communal open space provision of 1,963 sq.m. at ground floor and 1,370 sq.m. at roof level. Also a 1,419 sq.m. landscaped area at the eastern side of the site that incorporates lands owned by Louth County Council.
- Vehicular access from The Long Avenue. Pedestrian connections to The Long Avenue and at the landscaped area on the eastern side of the site. Total of 83 no. surface car parking spaces (13 commercial, 70 residential) and 150 no. cycle parking spaces.
- New connection to public water supply and sewer.
- Part V proposals comprising transfer of 11 no. units to Louth County Council.

3.2. Blocks B and C and the central courtyard / car park are to be constructed as Phase 1 of the development and Block A and the open space at the eastern side of the site are to be constructed as Phase 2.

4.0 Planning History

4.1. PL55.238051 Reg. Ref. 10/520065

- 4.1.1. Relating to a larger area of 3.98 ha, previously occupied by the Dundalk Shopping Centre and bound by Hill Street to the west, Stapleton Drive to the north and The Long Avenue to the south. Permission granted for a mixed use leisure, retail and residential development. The application formed part of a Masterplan and included lands north and south of the former railway line in the northern part of the development site. It included temporary retail units at the development site with a priority junction to The Long Avenue. It also facilitated a four arm signalised junction at Rampart Road and the removal of Hill Street bridge, to be replaced by an at grade junction. Condition no. 32 of PL55.238051 required a special development contribution to be paid towards a new road linking Hill Street with Bóthair an Iarainn, amount to be agreed with the planning authority. Part of the permitted development has been constructed as the Tesco centre to the north of the development site, however the works at Hill Street have not taken place.

5.0 Section 5 Pre- Application Consultation

5.1. Pre-Application Consultation ABP-304784-19

- 5.1.1. The pre-application consultation related to a proposal to construct 114 no. apartments, retail and associated site works. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 15th August 2019. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:

1. Design and Layout

- (a) Further consideration/justification of the documents as they relate to the design of Block C, which is at the junction of Hill Street and The Long Avenue at a highly

visible corner of the site on the approach to Dundalk town centre, and the site's potential to accommodate a high-quality landmark structure.

- (b) The interface of the development with The Long Avenue in terms of design and level of activity.
- (c) The interface of the development with the eastern boundary with an existing public footpath which requires overlooking / passive surveillance.
- (d) The interface of the development with the embankment to the west at Hill Street Bridge.
- (e) The interface of the development along the northern boundary with the road proposed at this location.
- (f) Quality of the public open space area and internal car parking area in terms of public realm design, landscaping and pedestrian movement.

2. Appropriate Assessment

5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

5.2.2. Design and Layout

- The development has revised elevations to the corner of Hill Street and The Long Avenue. The blank gable at this location has been removed and a more interactive design included by extending balconies around the corner block. Block C has been set back from the corner to create a staggered building line and move further from the public footpath. There are revised external finishes comprising brick and glass balconies to ensure a high end landmark building at this corner. Parapet detailing has been refined to a slim line zinc cladding with the roof garden screened off and set back with glazed balustrading.
- Block C will have a positive interface with The Long Avenue. The four storey element is animated with windows and balconies and there is a five storey corner element. The boundary treatment at this location comprises a feature wall to the east and a 1.2m high wall with 500mm railings over. The wall design to the east

will provide an intermittent view through the development and the access to the new public plaza. While the wall to the west of the entrance will screen ground floor apartments, this is offset by the positive interface at higher levels.

- The development includes a new public landscaped area and water feature at the eastern side of the site. Block A will have a medical centre and retail units on the ground floor. Both will have extensive display glazing providing a positive interface with the public realm. There are three entrances off the eastern open space and an entrance on the eastern façade of the retail unit. The apartments on the upper levels of Block A will provide passive surveillance of the open space.
- The embankment on the western side of the site is owned by CIE / Iarnród Eireann, who state that they are not in a position to include the area within the subject application (copy of correspondence submitted). This embankment will be removed when Louth County Council eventually proceed with the regrading of Hill Street. The development has been designed on the 'worst case scenario' that the embankment will remain in-situ. Block C is set back from the embankment and the intervening area will be landscaped. A decorative railing is proposed along the site boundary, accompanied by bamboo screening to obscure views of the development.
- Block B provides an active five storey façade to the northern site boundary. The ground floor units have small private areas off the proposed public plaza (which is temporary in nature pending the delivery of a roads objective). There is sufficient space for a footpath when the new road is developed.
- The development includes two areas of public open space, in the eastern and northern parts of the site. The space to the north is temporary and will remain in-situ until the new road is implemented by Louth County Council (for which a design has been agreed). The eastern public open space is permanent and involves lands owned by Louth County Council. The space is landscaped and includes opening the culvert of the Rampart River to create a water feature in the same manner as that to the east of Tesco to the north of the site. The lack of soft landscaping in the central car parking area is offset by the generous roof terraces

and external open spaces in the scheme. A north-south pedestrian footpath is provided and a footpath around the perimeter of the courtyard.

5.2.3. Appropriate Assessment

A Natural Impact Statement (NIS) is submitted.

6.0 **Relevant Planning Policy**

6.1. **National Planning Framework**

6.1.1. National Policy Objective 2b:

The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda-Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.

National Policy Objective 3c:

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

6.1.2. Section 3.2 Eastern and Midland Region, Louth/North East. The NPF states that the key driver for this regional area is the Dublin-Belfast cross-border network, focused on Drogheda, Dundalk and Newry. It will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure that they have the capacity to grow sustainably and secure investment as key centres on the Drogheda-Dundalk-Newry cross-border network.

National Policy Objective 7:

Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a focus on:

- *Dublin;*
- *The four Cities of Cork, Limerick, Galway and Waterford;*
- *Strengthening Ireland's overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border*

networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor;

- *Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;*
- *Reversing the stagnation or decline of many smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities;*
- *Addressing the legacy of rapid unplanned growth, by facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to the cities, together with a slower rate of population growth in recently expanded commuter settlements of all sizes;*
- *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth. Section 28 Ministerial Guidelines*

6.2. Section 28 Ministerial Guidelines

6.2.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated March 2018.
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

6.3. Eastern and Midland Regional and Spatial Economic Strategy

6.3.1. The Regional Spatial and Economic Strategy (RSES) was adopted on 3rd May 2019. Dundalk is identified as a Regional Growth Centre in the Outer Region on the Belfast- Dublin economic corridor. Growth Enablers for the Dublin- Belfast Economic Corridor include:

- Compact and focused growth in the Regional Growth Centres of Drogheda and Dundalk to grow to city scale.
- Drive in the linkage between Dundalk and Newry to strengthen a cross border synergy in services and functions.
- Improve accessibility and service by rail, road and communication between Dublin and Belfast.

6.3.2. The Strategy states the following in relation to Regional Growth Centres:

Support significant population and economic growth to drive effective regional development, with a vision for Athlone to act as a lead town for the Midlands growing to around 30,000 by 2031. The vision for Drogheda and Dundalk is for both to reach a target population in the region of 50,000 by 2031.

6.3.3. The following points are highlighted in relation to Dundalk:

The RSES envisages a population target of 50,000 for the entire settlement of Dundalk up to 2031. The preparation and adoption of a statutory Urban Area Plan (UAP) by Louth County Council is to be a priority. The UAP is the appropriate mechanism to determine the functional urban area and plan boundary along with the distribution of population. In tandem with the requirements outlined in the Implementation Roadmap for the National Planning Framework the UAP for the Regional Centre of Dundalk should endeavour to support and provide for the following:

- *Support development on key town centre infill/ brownfield sites include inter alia Long Walk Shopping Centre, Carroll's Village Shopping Centre, Williamson's Mall, and Dunne's Park Street.*
- *To enhance accessibility and sustainable mobility within the town centre by improving links between the core and surrounding areas through the further integration of public transport, walking and cycling facilities.*
- *Promote the Seatown / Port Harbour Area for regeneration and repurpose of a water based urban quarter.*
- *Facilitate urban expansion through development of the Mount Avenue masterplan lands, and other lands.*

- *Support the implementation of the Dundalk Urban Design Framework Plan (2008) or any update thereof.*

6.4. Louth County Development Plan 2015-2021

6.4.1. The core strategy of the Louth County Development Plan (as adopted by Variation No.2 of the Plan) identifies both Dundalk and Drogheda as Large Growth Town I, at the top of the county settlement strategy. Table 2.4 provides a population target of 46,622 for Dundalk and environs in 2021. This represents an increase in population of 4,322 or 1,600 equivalent residential units developed at an average density of 42 units/ha. A total of 51 ha of housing land is required to achieve these targets, resulting in an excess of 796 ha over the current zoned land area.

6.4.2. The following development plan policies on residential development are noted in particular:

RES 6 To encourage and promote the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community and residential amenities, and where Part V is visually and otherwise integrated into the overall development, thus counteracting undue segregation.

RES 13 To encourage developers to provide for a mixture of housing types and sizes thereby creating visual variety and preventing residential developments that are homogenous in character.

RES 19 To require that residential buildings shall not exceed 3 storeys in height, including roof space development except in exceptional circumstances where the planning authority considers that the site can adequately accommodate 4 storeys (including roof space development) and where provision for higher buildings is provided for in any local area plan.

RES 20 To require that in all new residential development that the quantitative public open space standards as set out in Table 4.4 and the qualitative requirements of Section (4.9.3.1) described above are adhered to unless otherwise provided for in any local area plan.

RES 26 To ensure that a high degree of building flexibility is incorporated into the design of new dwellings within the County including adaptability to lifetime housing needs and provision of accessibility for the elderly and those with impaired mobility.

RES 27 To require that private amenity space is in accordance with the quantitative standards as set out in Table 4.9 above.

RES 29 To ensure residential car parking provision as set down in Table 7.6 (in relation to residential development) is adhered to, with the exception of infill development in town and village centres where a financial contribution in lieu may be acceptable.

RES 30 To require all applications for residential development including one off houses to demonstrate that a minimum of 25% of the energy requirements of the building is from renewable sources.

RES 43 To ensure that adequate and suitable childcare facilities are provided having regard to DECLG Childcare Facilities Guidelines for Planning Authorities 2001. Creche/childcare facilities shall locate in settlements contained within Level's 1, 2, 3 and 4 and will not generally be permitted in the open countryside.

RES 44 To seek the provision of additional community benefits by way of direct provision or financial contribution in lieu of the provision of childcare facilities where it is demonstrated to the satisfaction of the Council that there are sufficient childcare spaces available in the locality.

6.5. Dundalk and Environs Development Plan 2009-2015 (as extended)

- 6.5.1. The site is located in the Town Centre area, where the overall objective is to consolidate the existing role of the town centre and provide for town centre expansion. It has the zoning objective 'Town Centre Mixed Use', 'To provide for Town Centre mixed use development'. The uses 'community facility', 'office', 'shop – local' (< 200 sq.m.) and 'residential' are all permissible under this zoning objective. Policy TC 3 states the following in relation to the development of 'Town Centre Mixed Use' lands:

Require the provision of mixed use development in accordance with the permitted uses within this zone and to ensure that the residential component is not less than 20% or more than 80 % of the total floor area of the proposed development.

- 6.5.2. The site is within 'The Marshes' character area within the town centre. The following key objectives are outlined for The Marshes:

- Ensure that the development of the town centre expansion area supports and strengthens the retail function of the town.
- Transform The Ramparts into an attractive urban avenue or boulevard.
- Ensure The Ramparts comprises a mix of quality designed, fine grained, active frontage blocks constructed along a new recessed building line.
- Encourage mixed use development along the Ramparts with active uses located on the ground floor.
- Allow transitional uses such as retail warehousing in the short term, however it is expected that over time, new development will develop a fine urban grain.
- Facilitate, in the long term, a transformation of The Marshes area into a mixed use area containing medium to high density development.
- Support the provision of an urban park (Clarke's Forest) in the area.

6.5.3. The DEDP provides the following design guidance for The Marshes character area:

- Mixed use development.
- Quality public realm with a high standard of street furniture and public lighting and creation of a public space
- Establishment of a permanent urban structure i.e. a network of streets and public spaces
- Footprint of buildings should be significantly smaller than that of the Marshes Shopping Centre
- Site Coverage: maximum of 60%
- Plot Ratio: maximum of 2.00
- Minimum Height: 2.5 - 5 storeys (landmark and key sites will be considered on their merits).

6.5.4. The following Town Centre policies are noted in particular:

Policy TC 7 Encourage a high quality built environment within the town centre and ensure compliance with Urban Design Guidance outlined in appendix 2.

Policy TC 8 Promote greater connectivity and permeability throughout the town through the provision of improved roads, pedestrian and cycling facilities, parking and signage

Policy TC 11 Promote the development of backland and infill sites and the refurbishment and regeneration of brownfield and grey field sites within the town centre.

6.5.5. Table 5.2 lists the Hill Street Junction as a roads infrastructure project and Policy TR 12 is to secure the provision of the roads improvements included in table 5.2 in co-operation with the private sector and stakeholders. Map no. 02 indicates a 'new / improved road network' along the northern site boundary and 'existing and proposed pedestrian and cycle routes' around all of the site boundaries.

6.5.6. Variation No. 1 of the Dundalk and Environs Development Plan 2009-2015

DEDP Variation No. 1, adopted on August 29th 2011, sets out the core strategy including phasing of development lands for development up to 2015. The DEDP plan area has approx. 858 ha of land zoned for residential development. The Regional Planning Guidelines 2010-2022 indicate that 54 ha of land is required to accommodate their population targets for Dundalk of 4,100 population growth for the plan period with a total population of 42,300 up to 2016. The DEDP core strategy, based on an evaluation of the development areas, prioritises the consolidation of the urban core and identified key development areas. Policy CS1 states:

To promote sustainable development on brownfield/ infill sites by excluding such sites from the requirement to comply with the phasing strategy throughout the Plan Area.

The consolidation of the town centre is identified as the top priority in the phased development of the overall Plan area.

6.6. Urban Design Framework Plan Dundalk 2008

6.6.1. The development site is identified as a 'Gateway' location at the southern entrance to the town centre. The framework for The Marshes character area indicates primary roads and pedestrian connections to the north and west of the site, with a primary public space at the road junction to the north west of the site. The following vision for housing in The Marshes is outlined:

It is envisaged that in the long term the Marshes will contain medium to high density housing linking the Meadows estate to the mixed use development along the Ramparts. Housing layouts shall follow a perimeter block layout complying with the parameters/objectives as set out in the urban project described in chapter 6 and following the framework of streets and spaces outlined in the subsequent detailed masterplan.

6.7. Statement of Consistency

6.7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan and other regional and national planning policies. The following points are noted.

- The development will contribute to national planning objectives to achieve compact urban growth and provide infill residential development at vacant / under used sites that are served by existing facilities and public transport.
- The site is within 1km of Dundalk railway station and is within walking and cycling distance of the town centre. It is therefore suitable for higher residential densities > 50 units / ha, as per the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities.
- The development complies with the 12 criteria of the Urban Design Manual, as per the submitted Design Statement.
- The proposed housing mix is in accordance with SPPR 1 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. All apartments meet the requirements for minimum floor areas and private amenity space as per SPPR 3 and Appendix I. The development provides 100% dual aspect units with regard to SPPR 4. The development also complies with SPPRs 5 and 6 with regard to floor to ceiling height and no. of units per stair / lift core. The communal open space provision exceeds the requirements of the Guidelines. The proposed car parking provision is justified with regard to section 4.14 of the Apartment Guidelines given the location of the site at the edge of the town centre. While the bicycle parking provision is less than that required by section 4.17 of the Guidelines, this is justified on the basis that the site is close walking distance to the town centre and local facilities and that cycle parking

demand will be significantly reduced since 70 of the units will be occupied by elderly residents. The development generally complies with Daylight and Sunlight requirements.

- The proposed building height of six storeys is in accordance with the Urban Development and Building Heights Guidelines for Planning Authorities given the strategic location of the site close to the town centre and employment areas. The development meets the criteria set out in SPPR 3 of the Guidelines.
- The development does not include any childcare provision and therefore does not meet the requirements of the Childcare Facilities Guidelines for Planning Authorities. This is justified on the basis of the high proportion of one and two bed units (note section 4.7 of the Apartment Guidelines) and the high level of childcare provision in the area, also given that 70 of the units will be occupied by elderly residents.
- The development is generally in accordance with the development management criteria for residential development set out in the Louth County Development Plan 2015-2021, ref. policies RES 10, RES 26, RES 15, RES 16, RES 18, RES 19, RES 25, RES 27, RES 20, RES 30, RES 31, RES 32, RES 38, RES 43, car and cycle parking standards. Departures from development plan standards for residential development are justified on the basis of consistency with the Apartment Guidelines, the Building Height Guidelines and other national planning policies.
- The development is acceptable in principle with regard to the town centre zoning objective under the Dundalk and Environs Development Plan 2009-2015 (as varied), also LAP policy TC3. The development is also consistent with the vision for The Marshes character area set out in the LAP and meets relevant development management criteria.
- The development complies with the recommended framework design guidelines set out in the Dundalk Urban Design Framework Plan 2008.

7.0 Third Party Submissions

7.1. None on file.

8.0 Planning Authority Submission

8.1. Louth County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Municipal Meeting of Dundalk on 7th January 2020. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. The following points are noted:

- Appropriate Assessment. The submitted NIS does not include any screening report concluding that an NIS is required. The documentation also refers to the Lough Derg Natura 2000 site. The in-combination effects have not been adequately considered. The statement provides no data collected from the field but relies solely on desk-top studies and as such brings into question its reliability.
- Refers to Infrastructure report in relation to flood risk. There are concerns about displaced waters which have not been addressed and are of concern.
- The planning authority generally considers that the development is not such as would give rise to significant effects on the environment and does not require sub-threshold EIA. However, given the concerns regarding flood risk, the issue requires further consideration as to ensure an adequate design solution to the concerns raised.
- The development is considered compatible with the Town Centre Mixed Use zoning objective.
- The site has a pivotal location on the southern approach to Dundalk and the development will be a highly visible wayfinder for the town centre. It is considered that a more innovative architectural approach which contributes to an attractive streetscape could have been explored. Given the status of Dundalk as a Regional Gateway City, there is a huge opportunity to provide a landmark structure with an architectural style that represents the significance and role of the town as an economic engine for the region and a highly attractive place to live. The computer generated impact for Block C is not considered to accurately

reflect the existing road alignment / approach towards the bridge that currently exists at the site. The balconies are considered to dominate the elevations thereby reducing the legibility of the blocks.

- The internal layout of the development should be revised as there is little regard for any interface between the proposed ground floor units, provision of parking and waste storage areas. Clear legible pedestrian paths within the scheme without conflicting with vehicular movements should be provided. The footpaths fall well below DMURS minimum standards and give rise to circuitous routes for pedestrians. The development does not adequately respond to concerns raised in relation to this issue in the Opinion issued by ABP. The issue is particularly important given the planned use of 70 units within the scheme by elderly residents.
- The planning authority considers that Block A should be re-configured to provide residential units to the ground floor with the medical centre provided over two floors, to provide more meaningful passive surveillance to the footpath at this location on the eastern site boundary. The creation of a high quality pedestrian link at this location is of critical importance given the role of the site in providing connections between a number of town centre locations.
- Concerns about the interface of Block C with the embankment on the western side of the site, particularly regarding the future residential amenity of units within Block C.
- Concerns about the height of the boundary wall along The Long Avenue. The overall height of the wall at the south eastern corner is approx. 4m. The PA encourages the creation of passive surveillance to the streetscape through a more appropriate design solution.
- The submitted Building Life Cycle Report is considered too generic and does not provide an assessment of the long term running and maintenance costs as they would apply on a per residential unit basis at the time of application. The uses of materials will be critical to ensure an aesthetically pleasing development into the longer term.

8.3. The planning comment summarised above incorporates comment by Louth County Council Infrastructure section, which recommends refusal for three reasons relating to flood risk, DMURS and access to the north west of the site and lack of clarity regarding compliance with Building Regulations. The comment also notes the submitted FRA and makes the following comments in relation to flooding:

- There is a risk of flooding of Block A and Block C as neither has a freeboard of 150mm from the adjacent hard standing areas.
- The applicant has not included the surface water proposal in the FRA, which is essential as failure of the outlet or any element of the network could result in flooding of the properties on the proposed development and adjacent properties and roads.

8.4. **Conclusion**

8.4.1. The planning authority recommends permission subject to conditions including amendments to Block C, revised parking and pedestrian layout and rearrangement of bin storage areas.

9.0 **Prescribed Bodies**

9.1. **Inland Fisheries Ireland**

9.1.1. The following points are noted:

- The Rampart River rises west of Dundalk where salmonid habitats can be found. The river supports modest numbers of brown trout among other species along the stretch in Dundalk town.

9.2. **Irish Water**

9.2.1. The following points are noted:

- In respect of the provision of water a connection to the existing network is feasible without upgrades.
- IW issued a Confirmation of Feasibility in respect of wastewater for the proposed development of 121 units in June 2019. At that time the Drainage Area Plan (DAP) survey required to determine the necessary upgrades had an expected completion of Q3 2019. The completion of the DAP survey now has a revised

completion date of Q4 2020. The capital needs upgrades required for this development cannot be determined until these works are completed. An alternative connection is possible to a 450mm sewer to the west of Hill Street; however, this connection would require a road crossing and connection works on private lands. Any consents required regarding these private lands would be between the applicant and the landowner, with all costs to be borne by the applicant.

10.0 Planning Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle, Quantum, Density and Height of Development
- Design, Layout and Visual Impacts
- Roads and Traffic / Transport Impacts
- Drainage, Flood Risk and Site Services
- Part V

These matters may be considered separately as follows.

10.2. Principle, Quantum, Density and Height of Development

10.2.1. Proposed Land Uses

I am satisfied that the proposed mix of land uses is acceptable in principle with regard to the 'Town Centre Mixed Use' zoning objective under the Dundalk and Environs Development Plan 2008-2015 (as varied) and to the comment of Louth County Council. The provision of residential accommodation at this location is also in line with the designation of Maynooth as a Large Growth Town in the County Development Plan, as well as with the objectives of the NPF to provide additional development within the existing built up area of towns and with the objectives of the RSES to develop key town centre infill/ brownfield sites in Dundalk. The proposed residential development will also further the following stated objective for The Marshes character area in the DEDP:

Facilitate, in the long term, a transformation of the Marshes area into a mixed use area containing medium to high density development.

Policy TC3 of the DEDP requires that development within the ‘Town Centre Mixed Use’ zone should have a residential component of not less than 20% or more than 80% of the total floor area of the development. The proposed development has a total stated GFA of 12,228 sq.m., of which 1,207 sq.m. or 9.87% comprises non-residential development. This is outside the parameters of TC3. However, given that there is a substantial amount of retail development in the vicinity, including the Tesco centre, Lidl, neighbourhood centre uses and The Marshes Shopping Centre, it is considered that the development will not detract from the overall objectives for mixed use development in The Marshes character area.

10.2.2. Residential Density

The gross site area of 1.034 ha includes several land parcels:

Lands owned by applicant	0.921 ha
Lands at the eastern site boundary owned by Louth County Council	0.113 ha
Northern portion of the site that is subject to DEDP roads objective	0.1517 ha

This results in a stated ‘net developable area’ of 0.769 ha. It is unclear if this area includes the lands at the western site boundary that form the embankment to Hill Street bridge, which are owned by CIE / Iarnród Eireann. The stated gross residential density is 123 units / ha, net density of 148.2 units/ ha, based on the above ‘net developable area’. This is considered reasonable with regard to the definition of net residential density provided in Appendix I of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, given that the road reservation is related to an LAP objective and that the open space on the eastern side of the site includes a pedestrian / cycle route that serves the wider area. The site is c. 580m from Dundalk railway station and c. 940m from Market Square in the town centre. Section 5.8 of the Guidelines provides that sites within 1km of a rail station in larger towns are subject to a minimum net density of 50 units / ha subject to appropriate design and amenity standards. In addition, the development site is considered to come within the scope of a ‘central and/ or accessible urban location’ as per section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities and as

such is an appropriate location for high density apartment development. The proposed residential density is considered acceptable in principle on this basis.

10.2.3. Housing Mix

The proposed housing mix is considered satisfactory with regard to SPPR 1 of the Apartment Guidelines, development plan policy RES 13 and Policy HC3 of the DEDP.

10.2.4. Building Height

The development has an overall height of 4-6 storeys. Development Plan policy RES 19 requires that residential buildings shall not exceed 3 storeys in height, including roof space development, except in exceptional circumstances where the planning authority considers that the site can adequately accommodate 4 storeys (including roof space development) and where higher buildings are provided for in any Local Area Plan. Appendix 2 of the DEDP sets out the following principles in relation to building height:

- *The general range of building heights and number of storeys, which are evident in the street should be retained.*
- *Stepping up of corner buildings or buildings creating significant landmarks will be permitted.*
- *In general, the difference in a buildings height should not exceed one and a half storeys.*

The DEDP provides quantitative guidance in relation to development in The Marshes character area as follows:

- Footprint of buildings should be significantly smaller than that of The Marshes Shopping Centre
- Site Coverage: maximum of 60%
- Plot Ratio: maximum of 2.00
- Minimum Height: 2.5 - 5 storeys (landmark and key sites will be considered on their merits)

The development has a stated site coverage of 26% and a plot ratio of 1.3, which are within the above parameters. Given that the site has a landmark location that is

indicated as such in the Urban Design Framework Plan Dundalk 2008, the six storey height can be considered on its merits. SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities is also noted in this respect.

Section 3.2 of the Building Height Guidelines provides development management criteria for the consideration of building height. Part A of SPPR 3 of the Building Height Guidelines provides:

It is a specific planning policy requirement that where:

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

The following points are noted with regard to the development management criteria provided in section 3.2, having regard to the rationale outlined by the applicant in the submitted Planning Report:

- The site is c. 580 m from Dundalk railway station and is adjacent to bus stops at Hill Street. The proposed high density residential development is acceptable in principle at this location as discussed in section 10.2.2 above.
- The site is not located in an architecturally sensitive area. There are several substantial commercial buildings in the vicinity including the Tesco centre to the immediate north of the site and the Lidl to the east. The development has a prominent location at a gateway to Dundalk town centre. The design merits of the scheme and impacts on visual amenities are considered below.
- The development site at 1.034 ha is not considered to constitute a large urban redevelopment site.

- The development has been designed to integrate with the existing streetscape at The Long Avenue and to provide new urban frontages to Hill Street to the west and to the public pedestrian / cycle route to the east.
- The development is laid out as three perimeter blocks and, as such, has been designed to avoid a monolithic appearance.
- The development includes a new public space on the eastern side of the site, which incorporates lands owned by Louth County Council and will provide a pedestrian / cycle link between commercial areas north of the site to The Long Avenue to the south and Hill Street to the west.
- The proposed mix of land uses is considered acceptable with regard to development plan and LAP policy.
- The application includes a Daylight and Sunlight Analysis, which is considered below.

The proposed building height is considered acceptable in principle on this basis.

10.2.5. Childcare Provision

With regard to childcare provision, the Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development does not include any childcare provision. The applicant seeks to justify this omission on the basis that (i) the development has a high proportion of one and two bed units; (ii) 70 of the units are to be occupied by elderly residents and (iii) there is existing childcare provision in the area. This rationale is accepted. I note that the Planning Authority states no objection to the omission of childcare provision.

10.2.6. Principle, Quantum, Density and Height of Development Conclusion

The proposed land uses, housing mix, quantum, height and density of residential development are considered to be acceptable in principle on this basis.

10.3. **Design, Layout and Visual Impacts**

10.3.1. Proposed Design and Layout

The development is laid out as three blocks around a central courtyard, which is accessed from The Long Avenue. Most of the courtyard is laid out as a car park and finished in tarmac with paved pedestrian areas around the perimeter and a small area of soft landscaping in the centre. The strip of land along the northern site boundary that is the subject of the DEDP roads objective is to be landscaped pending its development as a public road. This area includes a pedestrian / cycle path that connects the north western corner of the site with a pedestrian route that runs along the western site boundary at the railway embankment. Block C, located at the junction of The Long Avenue and Hill Street, presents a four storey façade with a five storey corner element at this prominent location. Block B (5 storey) is located on the northern side of the site. Both of Blocks B and C are laid out such that all units are dual aspect. The ground floor units have external terraces facing the railway embankment and road reservation and associated open spaces at the northern and western edges of the site. The upper floors of both blocks are accessed via external decks on the elevations facing the internal courtyard with an external lift core and stairwell to ground level at the central courtyard / car park. These structures also serve the roof gardens on top of Blocks B and C.

Block A (5-6 storey) faces the eastern side of the site and the Lidl and associated car park beyond. The ground floor of Block A is entirely occupied by the medical centre, retail units and office, with apartments on the upper floors and a roof garden. The ground floor of the eastern elevation includes the entrance to the medical centre and retail units no. 2. It overlooks the area of lands at the eastern side of the site (partially owned by Louth County Council), which is laid out as a boulevard with a mix of hard and soft landscaping and a central water feature achieved by opening an existing culvert of the Rampart River at this location. A similar feature is currently in place on the eastern side of the Tesco centre to the immediate north of the site, however there are no plans to link the two features due to the intervening area of

CIE / Iarnród Eireann lands and the DEDP roads objective. The boulevard layout incorporates a pedestrian / cycle connection between the road junction at the north eastern corner of the site and The Long Avenue to the south.

10.3.2. Visual Impacts and Integration with Surrounding Area

Block C is the most prominent element of the development, facing the junction of The Long Avenue and Hill Street. The five storey feature at the corner of the block strengthens its visual presence and both the western façade to Hill Street Bridge and the southern façade to the Long Avenue are finished with a variety of brick finishes and glazed balconies. I note and concur with the view of the planning authority that a more striking design could have achieved a landmark at this location, however the proposed design has a quality finish characterised by a variety of brick finishes and glazed balconies. The scale of the five storey elevation is in keeping with the adjacent Tesco store and therefore is not incongruous. I consider that the design of Block C is generally compatible with the vision for The Marshes character area as set out in the DEDP and the Dundalk Urban Design Framework Plan.

Having regard to the design of Block C, to the submitted photomontages, to the intervening distance, to the setting of the site in an area of recent commercial development, including the Tesco centre and to the relevant objectives of the DEDP, I do not consider that the development will have any significant adverse impact on The Crescent Architectural Conservation Area to the north west of the development site.

The western elevation of Block C faces Hill Street bridge and the railway embankment. The lower levels of Block C are therefore below the road level. PL55.238051, the original permission for the Tesco centre, which included additional development on lands at the subject site, facilitated the removal of Hill Street bridge, to be replaced by an at grade junction. Condition no. 32 of PL55.238051 required a special development contribution to be paid towards a new road linking Hill Street with Bóthair an Iarainn, amount to be agreed with the planning authority, however these have not taken place to date. Development plan Table 7.9 includes a new junction at Hill Street in the proposed capital works programme for the plan period. While the applicant notes the development plan objective to lower Hill Street, the documentation on file indicates that Louth County Council has no funding for such

works at present and the embankment will therefore remain in situ for the foreseeable future. The western façade of Block C is designed such that the ground floor units have small private terraces that access the adjacent pedestrian route at the bottom of the embankment. The subject application includes drawing no. H18-PL-027, which provides an overall roads layout including the Bóthair an Iarainn and the Hill Street / Bóthair an Iarainn junction, also the removal of Hill Street bridge and an at grade layout for Hill Street. The layout indicates a pedestrian / cycle route at the western site frontage to Hill Street, which is acceptable, the ground floor units of Block C will face the road carriageway. A similar situation arises at the northern site boundary, which is to be laid out as a pedestrian / cycle route pending the future road development. The ground floor units of Block B are laid out with individual terraces that will access the adjacent pedestrian / cycle route and the future roads layout. This is acceptable.

The southern elevations of Blocks C and A and the southern boundary of the development face The Long Avenue. The existing environment at this location is characterised by the two storey housing on the southern side of the street and Lidl supermarket and a three storey commercial building to the east of the development site. The proposed 'Boundary F' at the junction of The Long Avenue and Hill Street is a 1.2m high rendered wall surmounted by a 0.5m high painted metal railing. I consider that this boundary treatment prevents any visual interaction between the development and the street. A more visually permeable boundary treatment at this location could be required by condition. The boundary treatment at the eastern end of The Long Avenue frontage comprises a 'perforated' stone clad wall which rises to 3.7 m at the eastern end of the site. While this provides a physical barrier, it achieves a level of visual permeability and is therefore acceptable. The southern elevation of Block C is 4-5 storey and the southern side of Block A is stepped down such that there is a four storey façade to The Long Avenue. The overall appearance of the development from The Long Avenue contrasts sharply with the existing two storey residential character of the southern side of the street, however this is acceptable in the context of the location of the development site in The Marshes character area and the role of the site as a Gateway to Dundalk town centre. In addition, subject to the provision of satisfactory boundary treatments, the development achieves a strong urban edge to The Long Avenue. Given the location of the development to the

north of residential properties at The Long Avenue and with regard to the submitted shadow analysis, issues of overshadowing do not arise.

The eastern elevation of Block A presents a six storey façade to the public pedestrian / cycle route and the car parks beyond. I am satisfied that the proposed boulevard layout of the pedestrian / cycle connection and public open space, along with associated landscaping and a new water feature at the Rampart River, will achieve a high quality of public realm. The active uses on the ground floor of Block A will interact well with this area. I note the planning authority comment that ground floor residential units would achieve a higher degree of passive surveillance of the pedestrian / cycle route, however, the well trafficked nature of the route could have a detrimental impact on the amenity of ground floor units and I consider that the proposed commercial uses are therefore satisfactory. The residential units on the upper floors of Block A will also provide additional passive surveillance. Having regard to the open setting of this part of the development and to the commercial buildings in the immediate vicinity, I consider that the six storey height can be absorbed into the existing visual context and is therefore acceptable at this location. The same consideration applies to the five storey northern elevations of Blocks B and C facing the road reservation and the Tesco centre.

10.3.3. Public Realm Within the Development

The overall quantum of public open space provision is outlined as follows:

- The total area of the site in the applicant's ownership is 0.921 ha, total site area is 1.034 ha
- C. 0.19 ha at ground floor level on lands owned by the applicant
- C. 0.14 ha of landscaped open space at the eastern site boundary, including lands owned by Louth County Council.
- C. 0.14 ha of communal open space at roof level.
- This entails a combined public open space provision of c. 0.47 ha (c. 45% of the total site area).

While the design and layout of the public open space along the northern site boundary are acceptable, I note that this area will eventually be a public road and therefore cannot be considered as part of the permanent public open space

provision for the development. The space at the western site boundary adjoins the embankment to Hill Street bridge. It is marginal and will also eventually be part of the public realm. The central courtyard is primarily used as a surface car park and serves little or no amenity function. The area at the eastern side of the site is partially owned by Louth County Council and is to function as a pedestrian / cycle route that serves the wider area. In reality, therefore, the only area that will truly serve as a permanent communal amenity for the residents is the roof garden areas, i.e. c. 0.14 ha or c. 14% of the total site area. This quantum is generally consistent with the public open space requirements of the DEDP (14% of the total site area) and exceeds the quantitative requirement for communal open space for apartments as set out in Appendix 1 of the Apartment Guidelines. The roof gardens have hard and soft landscaping, seating and exercise equipment suitable for older residents and are generally satisfactory. The proposed communal open space provision is considered acceptable on this basis.

The central courtyard / car park is finished in permeable paving for the parking bays with macadam aisles. The small central area of soft landscaping does little to relieve the visual impact of a large area of car parking. I accept that there is little scope to provide additional soft landscaping. The external facades of the blocks are generally finished in brick and stone, the facades facing the central courtyard have a combination of brick and render finishes, with aluminium panels and glazed balconies. The render finish may discolour over time and a more durable finish should be required by condition. The Daylight and Sunlight Analysis indicates that the courtyard receives over two hours of sunlight over 73% of its area on the 21st of March, i.e. it exceeds the relevant standard of 50%. Aside from the pedestrian / cycle connections along the northern and western site boundaries, which will eventually be incorporated into the new roads layout and the upgraded connection at the eastern site boundary, the site layout indicates an internal connection through the central courtyard, which is to be denoted by paving and markings on the road surface. I note and concur with the concerns of the planning authority comment regarding the courtyard layout, in particular the quality of internal pedestrian / cycle connections and issues regarding the interface between the proposed ground floor units, provision of parking and waste storage areas. The footpaths at the edge of the courtyard are marginal and the central pedestrian / cycle route is narrow and broken

up by road crossings. The narrow footpath width is also noted in the Road Safety Audit. A revised design and layout for this area may be required by condition. Given the limited space available in the central courtyard, it may be preferable overall to provide adequate shared spaces at the edges of the area, which connect with the footpath at The Long Avenue and the pedestrian / cycle routes at the northern, western and eastern site boundaries rather than to attempt a substandard route across the courtyard.

10.3.4. Quality of Residential Accommodation

A Housing Quality Assessment is submitted. The development has been designed to comply with the Sustainable Urban Housing Design Standards for New Apartments. The apartment units have floor areas that meet or exceed the standards provided in SPPR 3 and Appendix I of the Apartment Guidelines and the internal storage space and private amenity space provisions. A majority of the apartments exceed the minimum floor area by 10%. All of the apartments are dual aspect with regard to SPPR 4. The floor to ceiling height requirement of SPPR 5 is complied with and all blocks have < 12 units per stair core as per SPPR 6. The quantum of private amenity space for each units is in accordance with the requirements of Appendix I of the Guidelines and all balconies have a depth in excess of 1.5m.

The Daylight and Sunlight Analysis indicates that all units pass the relevant Vertical Sky Component standards and 96% of the rooms tested pass the relevant Average Daylight Factor (BRE guidance). Cross section 'B-B (south)' indicates that the ground and first floors of Block C are below the level of Hill Street bridge and will therefore face the embankment until such time as the at grade road layout is developed. I note that lower daylight and sunlight standards are achieved in some rooms within Block C, this is to be expected given their location adjacent to the embankment. However, the relevant units are all dual aspect and the embankment will eventually be removed as per the relevant development plan objective.

I am therefore satisfied that the development will provide a good standard of accommodation for future residents of the proposed development.

10.3.5. Design, Layout and Visual Impacts Conclusion

To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential

development and that the development provides an acceptable standard of residential accommodation for future occupants. I am also satisfied that the development will not have any significant adverse impact on visual or residential amenities in the vicinity and will, on the whole, represent a positive contribution to the streetscape of Hill Street, The Long Avenue and to the wider The Marshes character area, generally in accordance with the vision for the area outlined in the DEDP and the Dundalk Urban Design Framework Plan.

10.4. Drainage, Flood Risk and Site Services

- 10.4.1. There is an existing watercourse at the development site, the Rampart River, which runs in a culvert along the eastern site boundary. The site is currently covered in hard standing and drains directly to storm sewers along the northern and eastern site boundaries. The proposed surface water drainage design provides an attenuation tank between Blocks A and B and is to discharge to an existing culvert to the north east of the site. The parking bays in the surface car park are to be finished with permeable paving, infiltration testing indicate adequate ground conditions. No other SUDS measures are proposed. Drainage calculations are submitted, which provide for a 20% climate change allowance. It is submitted that these measures will reduce outflow from the site to greenfield levels, which represents a planning gain when compared with the current un-attenuated run off from the site. I note that the proposed attenuation tank is partially located under the road reservation on the northern side of the site. While this is acceptable in the short term, a revised drainage design would be necessary when the road works are undertaken. A revised location for the attenuation tank is indicated in Figure 4-1 of the Flood Risk Assessment, which is outside the scope of the road reservation. A condition requiring this layout should be imposed.
- 10.4.2. As discussed above, the existing culvert of the Rampart River is to be removed to create an open channel that will serve as a water feature in the open space on the eastern side of the site. A construction methodology for same is provided, including measures to protect water quality in the river during construction. The design flow of the channel will be increased from that of the existing culvert. I note the submission of Inland Fisheries Ireland, which states that the design of the channel for the Rampart River should allow for the passage of fish and provide fish friendly instream habitat, a condition requiring same may be imposed.

10.4.3. A Flood Risk Assessment is submitted. There is no record of historic flood events in the vicinity of the site. The primary potential flood risk at the site is the Rampart River, which has been assessed as part of the Neagh Bann CFRAM study. The CFRAM mapping shows that the development site is within Flood Zone C and at low risk of flooding, i.e. a Justification Test is not required with regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities. The FRA submits that the Finished Floor Level (FFL) of the development achieves a freeboard of 300 mm above the design flood level. It is submitted that the CFRAM maps indicate that the 1% AEP and 0.1% AEP flood levels remain in-bank (including additional 20% climate change allowance) and there are no overland flow pathways in the area that may impact on the development. I note the comment of Lough County Council that the design submitted does not reflect the required freeboard, also that the applicant has not considered the failure of the Rampart River channel as part of the FRA. I note that the proposed Rampart River channel will provide increased capacity from the existing culvert in this part of the site. A condition requiring FFLs to the satisfaction of the planning authority, with regard to the Flood Risk Assessment, may be imposed.

10.4.4. The development is to connect to existing foul sewers and watermains in the vicinity. The submission of Irish Water states that these connections can be facilitated. However, the connection requires upgrades to the existing wastewater infrastructure. The foul sewer to the north of the site drains to Coes Road pumping station. The Drainage Area Plan (DAP) survey required to determine the available capacity at the pumping station has a completion date of Q4 2020. The capital needs for the upgrades required for the proposed development cannot be determined until these works are completed. An alternative connection is possible to an existing watermain on Hill Street; however, this would involve a road crossing and connection works on third party lands. I note that, as per the Construction Management Plan, the development is to be constructed over a two year period, i.e. subsequent to the timeframe outlined by Irish Water. Given the uncertainty around achieving a connection across third party lands, a condition requiring phasing in accordance with the provision of Irish Water infrastructure may be imposed.

10.4.5. Having regard to the above, I consider that the development can be facilitated by Irish Water infrastructure and that the proposed surface water drainage

arrangements are acceptable. I also note and accept the findings of the FRA, such that the development will not impinge on Flood Zones A or B and will not result in additional flood risk. The proposed foul drainage and water supply arrangements are therefore satisfactory.

10.5. Roads and Traffic/Transport Issues

- 10.5.1. The proposed priority junction to The Long Avenue is within the 50 kph speed limit. There is an established vehicular access at this location, which served previous development at the subject site. The proposed access is considered acceptable with regard to the requirements of DMURS and to the submitted Road Safety Audit.
- 10.5.2. The eastern side of the development incorporates lands owned by Louth County Council to upgrade an existing pedestrian / cycle connection that will significantly enhance permeability in the wider area. In addition, the proposed new layout for Hill Street and the road to the north of the site incorporates pedestrian and cycle facilities. Notwithstanding my reservations about the pedestrian / cycle routes in the central courtyard, I consider that the development achieves satisfactory pedestrian and cycle connections overall.
- 10.5.3. The development provides 83 no. car parking spaces, including 9 no. accessible spaces. A Parking Strategy is submitted such that spaces will be designated to individual owners, to be implemented by the Management Company. One space within the development will be allocated to a car club, there are currently four car club locations within Dundalk. This provision may be compared with the car parking standards for Area 1 (town centre), as set out Table 5.4 of the DEDP, as follows:

Land Use	Parking Standard	No. of Spaces Required
Residential	1 space per apt	114
Office	1 space per 50 sq.m.	1.5
Retail	1 space per 50 sq.m.	8
Medical	2 spaces per consulting room	34
Total Requirement		157.5

While the proposed car parking provision falls short of LAP standards, I note section 4.19 of the Apartment Guidelines with regard to developments in central and/ or accessible urban areas, which states a default policy for car parking to be minimised. The site is within walking distance of Dundalk town centre and is immediately adjacent to retail outlets and local services and facilities. It is less than a kilometre from Dundalk railway station and is served by bus stops on Hill Street. A Mobility Management Plan is submitted. I also note that the development is immediately adjacent to extensive car parking areas serving the Lidl and the neighbourhood land uses at The Long Avenue and that there is thus scope for complementary usage of these spaces by visitors to the development, particularly the commercial and medical uses on the ground floor of Block A. The proposed car parking provision is acceptable on this basis.

- 10.5.4. The development provides a total of 150 no. cycle parking spaces. This would exceed the cycle parking standards of Table 5.3 of the DEDP but falls short of the requirements of section 4.17 of the Apartment Guidelines, which entail a requirement of 234 no. spaces to serve the development, however it is submitted that 70 units of the scheme will cater for elderly residents who are less likely to use cycle facilities. This point is accepted, and the proposed cycle parking provision is considered acceptable.
- 10.5.5. The Traffic and Transport Impact Assessment is based on traffic counts carried out at the Hill Street / The Long Avenue junction on 8th November 2018 (a weekday). Trip generation data indicates that projected traffic volumes generated by the development are low (41 movements in the AM peak hour and 49 movements in the PM peak hour), when compared to existing traffic volumes recorded during the traffic survey. The projected traffic volumes equate to 3% or less of the existing traffic volumes at the Hill Street / The Long Avenue junction during the AM and PM peak hours. This is less than the 5% threshold for detailed TIA as specified in the Traffic and Transport Assessment Guidelines. In addition, the Hill Street / The Long Avenue junction will operate within capacity for the design years 2025 and 2035 with the development in place (based on the existing road network).
- 10.5.6. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition. I also consider that

the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance pedestrian and cycle permeability in the wider area.

10.6. **Part V**

10.6.1. The applicant proposes to transfer 11 no. units within the development in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. They are located in Blocks B and C and are not concentrated in one location. The applicant submits that there are abnormal costs associated with the development, which have been factored into the costs submitted. I note the correspondence on file from Louth County Council dated 10th September 2019, which advises that a provisional agreement has been reached regarding Part V requirements. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

10.7. **Planning Assessment Conclusion**

10.7.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

11.0 **EIA Preliminary Assessment**

11.1. The application was submitted after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

11.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The development involves 114 no. residential units on an overall site of 1.034 ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.

- 11.3. An EIA Screening Report is submitted as Appendix A of the Planning Report and Statement of Consistency. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

12.0 Appropriate Assessment

12.1. AA Introduction

- 12.1.1. This assessment is based on the submitted Natura Impact Statement (NIS), prepared by Niamh Ní Bhroin, dated December 2019. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used, except for specific issues addressed below. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the development.

12.2. The Project and Its Characteristics

- 12.2.1. See the detailed description of the proposed development in section 3.0 above.

12.3. Stage 1 Appropriate Assessment

- 12.3.1. The NIS does not include Stage 1 screening. The following is based on information included in the NIS and available in the public realm.

12.3.2. There are no designated sites within or immediately adjacent to the development. The NIS identifies the following designated sites within 15 km of the development:

- Dundalk Bay SAC, Site Code 000455
- Dundalk Bay SPA, Site Code 004026

12.3.3. There is a direct hydrological link between the development site and the above designated sites via the Rampart River. The SAC and SPA have the following Qualifying Interests.

Dundalk Bay SAC:

Code	Habitat / Species
1130	Estuaries
1140	Mudflats and sandflats not covered by seawater at low tide
1220	Perennial vegetation of stony banks
1310	Salicornia and other annuals colonising mud and sand
1330	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
1410	Mediterranean salt meadows (<i>Juncetalia maritima</i>)

Dundalk Bay SPA:

Code	Habitat / Species
A005	Great Crested Grebe (<i>Podiceps cristatus</i>)
A043	Greylag Goose (<i>Anser anser</i>)
A046	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)
A048	Shelduck (<i>Tadorna tadorna</i>)
A052	Teal (<i>Anas crecca</i>)
A053	Mallard (<i>Anas platyrhynchos</i>)
A054	Pintail (<i>Anas acuta</i>)
A065	Common Scoter (<i>Melanitta nigra</i>)
A069	Red-breasted Merganser (<i>Mergus serrator</i>)

A130	Oystercatcher (<i>Haematopus ostralegus</i>)
A137	Ringed Plover (<i>Charadrius hiaticula</i>)
A140	Golden Plover (<i>Pluvialis apricaria</i>)
A141	Grey Plover (<i>Pluvialis squatarola</i>)
A142	Lapwing (<i>Vanellus vanellus</i>)
A143	Knot (<i>Calidris canutus</i>)
A149	Dunlin (<i>Calidris alpina</i>)
A156	Black-tailed Godwit (<i>Limosa limosa</i>)
A157	Bar-tailed Godwit (<i>Limosa lapponica</i>)
A160	Curlew (<i>Numenius arquata</i>)
A162	Redshank (<i>Tringa totanus</i>)
A179	Black-headed Gull (<i>Chroicocephalus ridibundus</i>)
A182	Common Gull (<i>Larus canus</i>)
A184	Herring Gull (<i>Larus argentatus</i>)
A999	Wetland and Waterbirds

The NPWS has published detailed conservation objectives with specific attributes and targets for each qualifying interest of the SPA and SAC.

12.3.8. The development site is covered in hard standing and there are no known protected species present. The open sections of the Rampart River support Brown Trout and other fish species. Having regard to the NIS, I note that the development site is not within or immediately adjacent to any habitats within the European sites listed above. I am therefore satisfied that there is no potential for direct effects on the European sites. However, due to the hydrological connection, there is potential for indirect effects associated with the following:

- Discharge of untreated wastewater during construction works.
- Abstraction of potable water from groundwater or surface water sources.

- Discharge of untreated or uncontrolled surface water especially during periods of heavy rainfall.
- Discharge of sediment and hydrocarbon into the Rampart River.
- Discharge of uncured concrete to the river during construction.

Given that indirect effects on designated sites cannot be ruled out, a Stage 2 AA is required, with regard to the relevant conservation objectives.

12.3.9. Aside from the above designated sites, which are considered in detail in the NIS, I note that the following designated sites are also within 15 km of the development site:

- Carlingford Mountain SAC, Site Code 000453
- Carlingford Lough SPA, Site Code 004078
- Carlingford Lough SPA, Site Code 004078

Having regard to the intervening distance and given that the development site is not immediately connected to any habitats within the above European sites and that there are no known indirect connections to them, I am satisfied that Stage 2 AA is not required in relation to these sites.

12.4. **Stage 2 Appropriate Assessment**

12.4.1. I note that the NIS refers to 'Lough Derg Natura 2000 sites', however the subsequent analysis relates to the habitats and species identified as qualifying interests of the Dundalk Bay SAC and SPA.

12.4.2. The development includes measures to protect water quality in the Rampart River during the construction and operation of the development including:

- New wastewater infrastructure that will connect to the public sewer.
- The development will connect to the public water supply and will not involve abstraction of ground or surface waters.
- Rainwater will be collected and attenuated on-site. A Hydrobrake will control release to the Rampart River. Surface water run-off from hard surfaces will filter through permeable paving and a stone matrix before discharging to subsoil.

There is no direct discharge of surface water to the Rampart River. There is no direct connection between the subsoil layer and the Rampart River.

- The Rampart River will be de-culverted during construction. A detailed construction methodology is submitted. Diverting the river will enable instream works to be conducted dry. Construction management measures will prevent discharge of uncured concrete and other pollutants and uncontrolled release of sediment to the river. The removal of the culvert will provide a more suitable habitat for fish species that migrate between the sea and freshwater habitats.

12.4.3. I consider that the proposed surface water management system and the construction management measures described in the NIS are standard measures which represent good construction practice and whose efficacy is well established from experience in many previous projects and which is beyond reasonable scientific doubt. Their implementation would avoid the release of sediment and pollutants during either the construction or occupation of the development and thus would prevent the development having an adverse effect on the achievement of the conservation objectives of the SAC and SPA. Given the standard nature and widespread previous use of those measures, this conclusion can be reached beyond reasonable scientific doubt.

12.5. In Combination or Cumulative Effects

12.5.1. No significant in-combination or cumulative effects are identified in the NIS in relation to potential effects associated with other plans or projects, in view of the conservation objectives of Dundalk Bay SAC and SPA. This conclusion is accepted given that the development site is located in an established, built up area.

12.6. AA Conclusion

12.6.1. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Dundalk Bay SAC and SPA, or any other European site, in view of the sites' Conservation Objectives.

13.0 Conclusion

13.1. The proposed development is acceptable in principle with regard to the zoning of the site for Town Centre Mixed Use Development under the Dundalk and Environs Development Plan 2009-2015 (as varied). The residential density and housing mix are satisfactory with regard to national and local planning policies having regard to the edge of town centre location of the development. The design and layout are considered acceptable subject to conditions and I am satisfied that the development will provide a good standard of residential amenity for future occupants. The development will not have any significant adverse impact on visual or residential amenities and will provide a desirable contribution to the public realm at this location, achieving a satisfactory infill development with new pedestrian and cycle connections and a public plaza at the eastern side of the site with an open channel of the Rampart River. It is considered that the development will not result in undue adverse traffic impacts and would have a moderate traffic impact on the local road network overall. The proposed surface water arrangements, foul drainage and connection to the Irish Water network are all acceptable. I am also satisfied that the development does not result in a significant flood risk.

13.2. I therefore recommend that the Board grant permission.

14.0 Recommendation

14.1.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

15.1. Having regard to the following:

- a) the site's location adjoining the established settlement of Dundalk, Co. Louth on lands with a zoning objective 'To provide for employment and supporting residential' in the Dundalk and Environs Development Plan 2009-2015 (as extended);
- b) the policies and objectives in the Louth County Development Plan 2015-2021;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received, and
- l) the report of the Inspector

It is 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.

16.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of December 2019 by Sprucetree Park Limited, Office Suite 1, Coes Road Business Park, Coes Road, Dundalk, Co. Louth.

Proposed Development:

A planning permission for a strategic housing development on lands at Connolly's Field, Junction of Hill Street and The Long Avenue, Dundalk, Co. Louth.

The proposed development will consist of:

- 1) 114 no. apartments
- 2) Ancillary commercial development involving 2 no. retail units, medical centre and office.
- 3) All associated site and infrastructural works including new vehicular entrance off The Long Avenue, car parking (83 no. spaces), cycle parking (150 no. spaces),

bin storage, landscaping, boundary treatments, foul and surface water drainage arrangements.

- 4) New linear water feature to the east created by de-culverting the Rampart River and including lands owned by Louth County Council.
- 5) Temporary landscaped area at the northern site boundary pending the future delivery of a road at this location.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;

- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area;
- k) the submissions and observations received, and,
- l) the report of the Inspector.

It is 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 Lough SPA (site code 004078), 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).

Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant (including the mitigation measures set out in this Statement, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these five European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of these European sites, in view of the conservation objectives of these sites.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. The proposed phasing shall be revised such that apartment block A, the central courtyard and the public open space at the eastern site boundary, including lands owned by Louth County Council, are constructed as part of Phase 1 of the development. The development shall also be phased in accordance with any requirements of Irish Water regarding connections to wastewater infrastructure.

Reason: To ensure the satisfactory and timely completion of the proposed residential units.

3. 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 at the perimeter, along with adequate 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
- (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.

- 4. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

- 5. 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) Inland Fisheries Ireland, which states that the design of the channel for the Rampart River should allow for the passage of fish and provide fish friendly instream habitat.

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

6. 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 apartment blocks shall be replaced by a more durable finish.
- (b) The boundary treatment at 'Boundary F' facing the junction of Hill Street and The Long Avenue shall be amended such that a more visually permeable boundary with a high quality finish is provided at this location. Details of all boundaries shall be agreed with the planning authority.

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.

7. 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.

8. 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.

9. 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 estate signs and house 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.

10. 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.

11. 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.

12. 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.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

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

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. 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.

16. 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

17. 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.

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.

Sarah Moran
Senior Planning Inspector
1st April 2020