



An
Bord
Pleanála

Inspector's Report

ABP-306304-20

Development	Construction of 91 no. residential units and refurbishment of existing Rose Cottage.
Location	Red Barns Road, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19/413
Applicant	Wonderglade Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant permission (14 no. conditions)
Type of Appeal	Third Party
Appellants	Springfield Manor Residents Assoc. Brian and Anne Crombie
Observers	John Nugent (Willowdale Residents)
Date of Site Inspection	05/05/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

- 1.1. The appeal site comprises an area of approx. 2.6ha, located on Red Barns Road on the eastern side of Dundalk. The lands include two fields separated by a mature hedge / treeline running east-west across the site. The fields are under grass and are generally level, undulating slightly. There is an existing bungalow located in the north-eastern corner of the site, Rose Cottage, bounded by mature hedges to the north, west and south. The roadside / eastern site boundary comprises a low wall or a timber rail fence backed by hedging, while other boundaries include a mixture of fencing and mature trees / hedgerow.
- 1.2. Development to the north, west and south comprises established two-storey housing. Willow Court to the north and Willow Dale to the west are part of the Bay Estate, while Springfield Manor to the south is accessed separately from Red Barns Road. The site of a detached bungalow, Winterwood, bounds the northeastern corner of the site. There is one detached dwelling to the east of the site, fronting Red Barns Road.

2.0 Proposed Development

- 2.1. The proposed development comprises 91 no. new residential units in a mix of apartments and houses, as follows:

1-bed unit	14	15%	14 no. apartments	
2-bed units	26	28%	15 no. apartments*	11 no. houses
3-bed units	45	49%		45 no. houses
4-bed units	6	8%		6 no. houses
			29 no. apartments	62 no houses

* Three-bedspace units

- 2.2. In addition to new build residential units, this includes the renovation and retention of the existing 4-bed bungalow on the site. A three-storey apartment block is located centrally on the site, facing Red Barns Road with communal and public open space

to the rear / west. A second area of public open space fronts onto Red Barns Road. Access to the development is proposed from the south-eastern corner of the site off Red Barns Road, with a second pedestrian access at the north-eastern corner of the site.

3.0 Planning Authority Decision

3.1. Decision

In considering the application the planning authority sought further information in relation to a number of matters, including:

- Pedestrian and cycle linkages to adjoining lands.
- Revised design and increased height of the apartment building.
- Details of boundary treatment.
- Submission of a traffic impact assessment.
- Revisions to the submitted flood risk assessment.
- Surface water drainage details.

The planning authority subsequently decided to grant permission for the proposed development subject to 14 no. mainly standard conditions, including the following:

- 3.** The two additional pedestrian / cycle linkages as outlined in Drawing no. 2145-2-102 Rev 1 received on 21st November 2019 shall be constructed in this development hereby granted.
- 6.** Establishment of a management company for the operation and management of the development.

3.2. Planning Authority Reports

- 3.2.1.** Planning Reports: The proposal is not in conflict with the zoning objective. The core strategy encourages new development within this Consolidation Area and the site is not subject to the phasing requirements of the core strategy. The proposal reflects the residential character of the area, improving land efficiency and density.

There may be potential for further pedestrian linkages to the north and south, which would benefit existing and future residents and should be future proofed. Adequate separation from adjoining properties has been achieved. On foot of further information received, a grant of permission was recommended.

3.2.2. Other Technical Reports

- Infrastructure: No objection following receipt of further information, subject to conditions.

3.3. Prescribed Bodies

- Dept. of Culture, Heritage and the Gaeltacht: Recommended conditions relate to archaeological monitoring, mitigation of potential impacts on bats, breeding birds and the potential spread of invasive species. The inclusion of the AA screening report was welcomed.
- Irish Water: Confirmation of feasibility of connection has been issued. No water network upgrades are required. Connection to the wastewater network is feasible subject to upgrading of the network. Irish Water is currently carrying out a study to determine what upgrades are required, due for completion in Q1 2020.

3.4. Third Party Observations

The planning authority received a number of submissions which generally raised the following issues:

- Location and design of the apartment block
- Connection of adjoining house to public sewer.
- Treatment of site boundaries.
- Density of development.
- Flood risk and drainage impacts on adjoining lands.
- Overlooking of adjoining properties.
- Wildlife impacts.
- Road safety and congestion on adjoining roads
- Construction impacts in the impacts of construction traffic.

4.0 Policy Context

4.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019

- 4.1.1. Dundalk lies within the Gateway Region and is identified as Regional Growth Centre. These are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wider catchment. The vision is for Drogheda and Dundalk to both reach a population of 50,000 by 2031.

4.2. Louth County Development Plan 2015-2021

- 4.2.1. The settlement strategy prioritises sustainable development at appropriate locations within Dundalk and Drogheda, both designated as Large Growth Town I - Key destination, economically active, supporting surrounding areas, located on a multi-modal corridor. Some 60% of future population growth is directed towards these two towns.

A Strategic Flood Risk Assessment (SFRA) was carried out for the Plan 2015-2021 (Volume 2(b) Appendix 13)

- 4.2.2. **ENV 31** Development plans and local area plans should be consistent with the Planning System and Flood Risk Management Guidelines 2009, and adopt strategic, integrated, sustainable and proactive approach to catchment management to avoid and reduce flood risk within the region, managing the risk from:

- tidal effects around estuaries and along the coast including the implications of the latest predictions for sea level rise;
- fluvial flooding along river corridors and other significant watercourses resulting from catchments within and beyond the Region and other sources of flooding;
- pluvial flooding resulting from surface water runoff and capacity constraints in surface water drainage systems.

- 4.2.3. **ENV 33** New development should be avoided in areas at risk of flooding. However, it is recognised and acknowledged that the key urban settlements are at risk from

coastal and fluvial flooding, but their continued growth and expansion can be facilitated through the careful expansion of the urban core and the implementation of appropriate land uses in areas at risk. Accordingly, to minimise flood risk and help maintain their natural function it is essential to avoid development within flood plains wherever possible. Where justification to permit development can be provided on sustainability and planning grounds, cognisance must be taken of outputs of CFRAM Studies in the provision comprehensive flood protection and management measures; which should be fully implemented in conjunction with any development in flood risk areas. Appropriate land uses should also be incorporated into those areas at risk.

- 4.2.4. **ENV 34** County development plans and local area plans shall include a Strategic Flood Risk Assessment. Existing and proposed zoning of lands for development in areas at risk of flooding should follow the sequential approach and justification test set out in the DECLG Guidance on Flood Risk Management.

4.3. **Dundalk & Environs Development Plan 2009-2015**

The core strategy was adopted by Variation no. 1 in August 2011, wherein, the subject site is zoned Residential 1, Consolidation of the Urban Core, a priority area for the phased development of Dundalk.

Consolidation of Urban Core - Town Centre & Muirhevnamor A: Through prioritising these lands the promotion and delivery of more sustainable patterns of development will be achieved. It will also ensure that locations are fully utilised through sustainable densities, and mixed-use development, whilst simultaneously promoting sustainable transport choices. The inclusion of these lands as a priority will promote and deliver more sustainable patterns of development ensuring that locations are fully utilised through sustainable densities, appropriate mixed use development, harnessing and promoting substantial investment within the defined

The Spatial Strategy identifies six development areas including:

- Muirhevnamor (including the appeal site) - To consolidate existing residential development and to provide for additional supporting community facilities and infrastructure.

This is supported by Policy DS1 which promotes growth in line with an overall phasing strategy for the plan area.

Childcare:

Policy HC 28: Ensure that adequate and suitable childcare facilities are provided as required within new residential development having regard to DoEHLG guidelines and the Louth Childcare Strategy.

Seek the provision of additional community benefits by way of direct provision or financial contribution in lieu of the provision of childcare provision where it is demonstrated to the satisfaction of the planning authority that there are sufficient childcare spaces available in the locality.

Flood Risk Assessment:

The Town Centre and Muirhevnamor 'A' Development Areas scored highest in the evaluation of all (potential) development areas. In terms of national flooding guidance the Muirhevnamor 'A' is contiguous to the town centre, and contains significant residential, industrial, commercial and institutional development. The Flood Risk Management Guidelines allow for continued development in such areas provided that a number of key criteria are met. A Strategic Flood Risk Assessment (SFRA) has been carried out for the lands within Phase 1 and 2 of the Core Strategy, which identified that they meet the justification test as per the Guidelines.

Variation no. 1 of the Plan included the SFRA

The Town Centre and the Muirhevnamor 'A' (Consolidation of Urban Core) was noted to be low lying and subject to flooding in the past. Cognisance of this was taken into consideration in the phasing of lands adjacent to the coast and at the Red Barns Road.

The SFRA applies the Justification Test for Dundalk and Environs Core Strategy:

Criteria 1: Dundalk is a strategic centre in regional and national policy.

Criteria 2: Phase 1 lands perform the following functions in the Core Strategy:

- (i) Muirhevnamor contains a significant proportion of the established population of the plan area, and a high proportion of the major employment generators, as well as major institutional sites.
- (ii) The Town Centre and the Muirhevnamor area contain significant previously developed and / or underutilised lands, resulting in a number of brownfield and derelict sites within the areas designated as Consolidation of Urban Core.
- (iii) Muirhevnamor (West of Red Barns Road) is an integral spatial element of Consolidation of Urban Core of the Core Strategy, directly adjoins and is contiguous with the Town Centre. It comprises extensive tracts of public and private housing and significant employment generating areas, a significant educational campus, retail and leisure facilities and a large public park.
- (iv) The zoning is necessary to facilitate continued renewal and development of the compact urban form characterising the Consolidation area. It will result in more efficient use of infrastructure and resources in terms of service provision, provide opportunities for improved urban design and public realm.
- (v) There are no suitable alternative lands available in areas at lower risk of flooding within or adjoining the core of the urban settlement for the range of functions performed by those lands contained within the Core Strategy. These lands have developed their varied land use functions over a long historical period and represent a major regional asset.

Criteria 3: The Core Strategy does not require SEA. A detailed flood risk assessment will be required for any major flood vulnerable development proposed within the Consolidation of Urban Core area of the Core Strategy.

4.4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018)

- 4.4.1. Section 2.5 notes that such locations are generally suitable for higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent.
- 4.4.2. Specific Planning Policy Requirement 1: Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.
- 4.4.3. Specific Planning Policy Requirement 3 sets Minimum Apartment Floor Areas, as detailed in Appendix 1. The majority of all apartments in any scheme shall exceed the minimum floor area standard for any combination of the relevant 1, 2- or 3-bedroom unit types, by a minimum of 10%.
- 4.4.4. Section 3.6 notes that planning authorities may consider two-bedroom apartments to accommodate 3 persons. This type of unit may be particularly suited to certain social housing schemes such as sheltered housing. It would not be desirable if this type of unit would displace the current two-bedroom four-person apartment. No more than 10% of total units in any private residential development may comprise this category of three-person apartment.
- 4.4.5. Specific Planning Policy Requirement 4 refers to the provision of dual aspect apartments. The guidelines set minimum standards for ceiling heights and number of apartments served by a core. Section 4.6 notes that Communal or other facilities should not generally be imposed as requirements by the planning authority in the absence of proposals from and / or the agreement of an applicant.
- 4.4.6. Notwithstanding the Planning Guidelines for Childcare Facilities (2001), the threshold for provision of such facilities in apartment schemes should be established having regard to the scale and unit mix of the development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally 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.

4.5. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

- 4.5.1. Section 4.1 recommends the provision of one childcare facility for every 75 dwelling units in the case of larger housing schemes. However, regard should be had to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas, in consultation with city / county childcare committees.
- 4.5.2. In the case of large infill sites or brown field sites, public open space should be provided at a minimum rate of 10% of the site area. Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards.
- 4.5.3. With respect to densities for urban infill development, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The design approach should recognise the need to protect the amenities of directly adjoining neighbours and the character of the area and its amenities.

4.6. Childcare Facilities, Guidelines for Planning Authorities (2001)

- 4.6.1. In new communities or housing areas, planning authorities should require the provision of at least one childcare facility unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For housing, a benchmark provision of one childcare facility per 75 dwellings is recommended.
- 4.6.2. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Any modification to the indicative standard should have regard to:
- The make-up of the proposed residential area.
 - The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a LAP or development plan in consultation with county childcare committees.

4.7. Flood Risk Management Plan for the Neagh Bann River Basin (UOM06) 2018

Dundalk and Blackrock South are affected by flooding from 0.5% AEP coastal, 0.5% AEP wave overtopping and 1% AEP fluvial flood events. A substantial number of residential and business properties are at risk of flooding. As a result, there are significant damages and risks in the area for present day and future scenarios. These risks are quantified in the assessment.

The preferred solutions for Dundalk and Blackrock South AFA comprise potential routes for Hard Defences, combined with improvement of channel conveyance, to provide the required standard of protection. This would protect to the 0.5% coastal events and the 1% AEP fluvial flood event.

The conclusion of the SFRA is to progress the project-level development and assessment of a Flood Relief Scheme for Dundalk and Blackrock South.

4.8. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. The closest sites are Dundalk Bay SPA and SAC, located approx. 1km east of the site.

4.9. EIA Screening

The appeal site comprises an area of approx. 2.6ha, not located within a business district. The proposed development comprises 91 no. dwelling units and therefore falls outside the mandatory thresholds for EIA as set out in Schedule 5 of the regulations. The development comprises the extension of an existing pattern of residential development in this location.

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / the absence of any direction connections to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.0 The Appeal

Two third party appeals against the decision to grant permission have been received.

5.1. Springfield Manor Residents Association

- The area is identified as being at risk of flooding, impacting the availability of flood insurance for property owners.
- The planning authority objected at pre-planning stage on the basis of flood risk.
- The development is contrary to the Flood Risk Management Guidelines and Development Plan policy.
- There are alternative zoned lands available which are not liable to flooding.
- Contrary to statements in the FRA, a drain flowing north through Willow Dale remains in existence.
- The FRA does not reference 2018 flooding along Red Barns Road or Shore Road or regular flooding of the subject site.
- Sub-soils in this area have limited permeability and soakaways are unsuitable.
- Surface water drainage is not assessed as part of the FRA.
- Raising site levels will lead to displacement of floodwaters and exacerbate impacts on adjoining lands, which is not adequately assessed in the FRA.
- Existing flooding and drainage issues in Springfield Manor will be exacerbated.
- The Board previously refused permission on appeal for similar development in a flood risk area involving raised ground levels. (ABP-301271-18)
- The increased ground levels are excessive and will result in significant impacts on the residential amenities of properties in Springfield Manor.
- Existing mature boundary vegetation should be retained and protected.
- The traffic impact assessment does not consider the significant construction traffic volumes related to infilling of the site.

An engineering review of the FRA submitted with the appeal notes the following:

- The FRA fails a number of Justification Test criteria for vulnerable development.
- No attempt has been made to quantify the volume of displacement arising from raised ground levels or to assess the effect on adjoining lands.

- No compensatory storage is provided to mitigate such displacement.
- There is no analysis of potential impacts on existing overland flow paths due to the increased levels.
- While the FRA adequately assesses potential flood risk and mitigation measures, the effects on adjoining lands are not adequately assessed.

5.2. **Brian and Anne Crombie**

- Existing mature vegetation along the boundary with the appellants site (to the north of Rose Cottage) should be retained and protected.
- A 2.5m high concrete or steel fence in lieu of a block wall should be provided along the appellants boundary, without interfering with trees.
- Infrastructure in the area is inadequate to serve such density of development.
- Flood insurance is not available in this area following its designation as being at risk of flooding. The zoning of the lands is incompatible with this designation and should be reviewed.

5.3. **Applicant Response**

5.3.1. First party response to appeal by Springfield Manor Residents:

- The proposed densities are appropriate for this location and in line with local and national policy guidance
- Adequate separation is provided between existing and proposed housing.
- Boundary treatment and perimeter land drains will intercept run-off from the site.
- Surface water drainage design caters for a 1:100 year event and the surface water sewer has adequate capacity to serve the development.
- Soil permeability will not impact on its function and the attenuation tank will be sealed. Proposed soakaway caters for just 1% of the site requirements.
- The development plan notes that significant areas of the town are at risk of flooding. A justification test in respect of this area, contiguous to the developed area, concluded that it was suitable for development.

- A Site-Specific FRA in respect of this development found that it would not give rise to an increased flood risk to other areas.
- Liaison with adjoining occupiers will address encroachment onto private property.
- Construction impacts, including construction traffic, will be addressed through the Construction Management Plan.
- The cited planning precedent case (ABP-301271-18) is not relevant to this case.

Flood Risk:

- The site is at risk of Coastal flooding for Low and Medium probability events.
- In the context of the vast sea area, raising levels on the site will not materially impact on tidal flood levels.
- Displacement and compensatory storage is relevant in the context of fluvial flood risk, and calculation of displaced waters is not necessary for coastal flooding.
- Compensatory storage would not be of benefit in this case.
- Raising ground levels will not result in any fluvial flooding or displacement of waters elsewhere.
- Adjoining lands are at risk of coastal flooding via potential flooding pathways to the north and south of the appeal site.
- The development will not obstruct or facilitate additional coastal flow paths.
- The FRA included a detailed Coastal Flood Risk Assessment.
- The worst-case outcome in terms of flood risk, including Red Barns Road and Shore Road, was considered in the assessment.
- There is no history or evidence of groundwater flooding on the site.
- Proposed surface water drainage design will address current ponding issues on the site and will not contribute to flooding issues on adjoining lands.
- The primary drainage solution does not rely on percolation to ground.
- Existing land drains and sewers discharging to the River Blackwater to the north will be maintained.
- The existing drain running along the northern, western and part southern boundaries caters for run-off from the site and adjoining lands. Raising levels on the site will not impact on run-off from these lands.

- The development plan Strategic FRA undertook a justification test and determined that the zoning of the lands was necessary, while the site specific FRA considers the flood risk for the development site itself.

Construction Traffic

- A construction traffic management plan will be agreed with the planning authority. Deliveries will be limited to 9am – 6pm with further possible constraints during school-pick up hours.
- Projected traffic movements for each phase of the development range from 6 to 25 construction traffic movements per day.
- Phased residential traffic which overlaps with the construction activity for later phases are also identified.
- Increases in background traffic flows due to construction traffic are predicted to be low.
- Impacts will be greater during later phases of development when early operational phases and later construction activities overlap, however, these impacts are largely operational as opposed to construction traffic.

5.3.2. First Party response to the appeal by Brian and Anne Crombie:

- Proposed single-storey houses are 5m from the appellants boundary.
- Boundary treatment could be revised in line with the appellant's proposals.
- The area south of this boundary will be planted to provide further screening.
- Liaison with adjoining occupiers will avoid encroachment onto private property.
- Proposed densities, design and layout are appropriate for this location.
- There is road and service capacity to serve the development.
- Proposed boundary treatment and land drain along the boundaries will intercept any run-off from the proposed development. Surface water drainage design caters for a 1:100 year event.
- Proposed soakaway caters for just 1% of the site requirements.
- Soil permeability will not impact on the surface water drainage design and the attenuation tank will be sealed.
- The development plan notes that significant areas of the town are at risk of coastal flooding and a justification test was undertaken in respect of this area.

- A site-specific FRA in respect of this development found that it would not give rise to an increased flood risk to other areas.
- The area contiguous to the developed area is otherwise suitable for development.

5.4. **Planning Authority Response**

The planning authority had no further comment to make on the appeals.

5.5. **Observations**

5.5.1. John Nugent

- Adjoining residential properties are unable to obtain flood insurance.
- Lands to the west of the site drain into the subject lands.
- The developers intend to provide the new site boundary through existing boundary vegetation on private property.
- Separation between house no. 33 and the western site boundary and existing hedges is deficient and inadequate to provide for the proposed land drain.
- The raised floor level of proposed houses will impact on adjoining residential amenities.
- The observation also refers to earlier submissions to the planning authority.

6.0 **Assessment**

6.1. It is proposed to consider the appeal under the following broad headings:

- Residential Amenity
- Flooding
- Surface Water Drainage
- Access and permeability
- Other matters arising

6.2. **Residential Amenity**

- 6.2.1. The appeal site adjoins areas of existing established two-storey housing on the eastern edge of Dundalk. The development of 91 no. residential units would result in densities at the lower end of national policy guidance, however, the development would be in line with the character of this established residential area. The mix of unit types is considered to be acceptable. The development provides approx. 0.33 ha of open space or approx. 12.7% of site area which is adequate for this location. I note also the proximity of the site to coastal amenity areas and active recreational amenity areas to the south in this regard.
- 6.2.2. Apartment floor areas generally meet or exceed the standards set out in the Apartment Design Guidelines, however, I note that all two-bed units are designed as 3-bed space apartments despite having overall floor areas adequate for 4 person units. This accounts for over 50% of all apartments, where all other apartments are provided as 1-bed units, and approx. 16.5% of all residential units in the scheme. Such level of provision would be contrary to the provisions of Para 3.7 of the guidelines on Design Standards for New Apartments. I would recommend therefore that in the event of a decision to grant permission, the apartment block be subject to revisions to provide internal accommodation in accordance with the provisions of the Apartment Design Guidelines.
- 6.2.3. Housing units generally provide adequate levels of residential amenity. I would have a concern with regard to units no. 61 and 62 however, which are considered to comprise overdevelopment of this corner of the site. The omission of one of these units would provide improved levels of amenity for residents and separation from the eastern roadside boundary, and increase separation from northern boundary planting which is to be retained.
- 6.2.4. The development proposes significant increases in ground levels on the site, which have raised issues for third parties. With regard to properties in Willow Dale, I note that separation between the rear elevation of houses is more than 30m. This reduces to approx. 22m for the single-storey house to the west of proposed house no. 11. Notwithstanding the difference in floor levels, this is not considered to give rise to undue impacts on residential amenity in terms of overlooking or visual amenity.

- 6.2.5. With regard to Springfield Manor, proposed housing generally backs onto the area of public open space in that development. I note that the gable of proposed house no. 11 is located within approx. 5.5m of the gable of no. 17 Springfield Manor. The proposed ffl will be approx. 1.4m higher than no. 17 while the ridge height will be 1.87m higher. This separation is contrary to first party submissions which refer to separation of over 9m between these two houses. This relationship, and that of the boundary wall / fence, is not accurately described in the submitted section drawings. Having regard to the levels proposed on the site I consider that in the event of a decision to grant permission in this case, dwelling no. 11 should be omitted and unit no. 12 be provided on this combined site, in order to obviate overbearing impacts on the adjoining residential property.
- 6.2.6. While levels are elevated relative to houses in Hazel Close to the north, having regard to the orientation and separation of houses, significant impacts are not anticipated.

6.3. **Boundary Treatment**

- 6.3.1. There appears to be disagreement between parties on the precise line of the western site boundary and the potential impact of development on existing mature trees and hedging. While the red line boundary appears to largely reflect the visible line of existing fences and walls, I note that questions of land ownership are not matters for determination by the Board.
- 6.3.2. While much of the vegetation and trees along this boundary are not of high quality, they do act as screening to the rear of some adjoining residential properties. The proposed ground levels and treatment of this western boundary would necessitate the removal of all existing vegetation. The submitted landscaping plan provides for tree planting along this boundary (1.5-2m high), however, which would ultimately provide an improved level of screening and amenity. The location of dwelling no. 33 obviates retention or replacement planting along the boundary, however, no directly opposing windows arise at this location.
- 6.3.3. Northern and southern boundary vegetation and trees are to be retained and supplemented. I note the appeal submission from Brian and Anne Crombie and the agreement of the first party to amend the boundary treatment in line with the

appellant's request. Southern and northern boundary vegetation should otherwise be retained and supplemented in line with the landscaping proposals.

6.4. **Flooding**

- 6.4.1. The site is located within a wider area which is identified as being at Low and Medium risk of coastal flooding. The area affected by such risk includes established residential, education and employment uses in Dundalk, including the established residential development bounding this greenfield site. There is a risk of fluvial flooding affecting lands to the north of the site in the low and medium probability scenarios with climate change, however, mapping indicates that this does not impact directly on the appeal site. The SFRA for the Neagh Bann river basin catchment recognises the risks affecting the area and identifies flood relief works to protect these established areas.
- 6.4.2. As part of the Core Strategy Variation to the Dundalk and Environs Development Plan (2011), a justification test was undertaken in respect of the town centre and Urban Consolidation lands, including the subject site. This effectively concluded that having regard to the suitability of the zoning of these lands, the extensive areas of established development lands affected and the location and effect of consolidating the urban core of the town, the zoning and development of these lands was justified.
- 6.4.3. The site specific flood risk assessment (SSFRA) submitted with the application notes that the natural drainage flow in this area is northwards via drains toward the River Blackwater. Existing ground levels across the site vary between 2.4m and 2.7m OD and the assessment notes the location of the site within the 0.5% and 0.1% coastal flood zones, as modelled in CFRAMS.
- 6.4.4. CFRAMS (2018) predicts tidal depths for this area of 3.72m OD and 3.95m OD for the 0.5% and 0.1% AEP flood events respectively, increasing to 4.22m and 4.44m OD when considering the mid-range Climate Change scenario. The site is therefore identified as highly vulnerable, located within Flood Zones A and B.
- 6.4.5. Mitigation measures identified in the site specific flood risk assessment (SSFRA) include:

- Finished floor levels set above 4.52m OD, which includes 0.3m freeboard above the 1:200 climate change scenario.
- Development road levels will be 3.95 – 4.22m OD to ensure access to emergency vehicles in the 0.5% flood event.
- Emergency access will be facilitated along Red Barns Road and west along the R172, as flood levels will be 0m - 0.5m on Red Barns Road.
- A section of the internal access road will be set at 4.22m OD to allow for emergency evacuation in a 0.5% event.

In terms of the Development Management Justification Test, the SSFRA notes that:

1. The lands have been zoned under the development plan, in respect of which the local authority undertook a SFRA and justification test.
2. (i) The raising of ground levels will not significantly displace water or increase flood risk elsewhere given the tidal nature of the flood risk.
(ii) Raising ground levels will locate residential properties within flood zone C.
(iii) Road levels will ensure that emergency access can be maintained.
(iv) The development accords with the zoning objectives for the lands and the core settlement strategy for the town.

Conclusions

- 6.4.6. Extensive areas of Dundalk town centre and surrounds are located within the coastal flooding risk zone as recognised in the development plan SFRA and CFRAMS. In accordance with the Flood Risk Management Guidelines, it is not considered unreasonable to consider the continued consolidation of these established areas subject to appropriate site specific flood risk assessments and mitigation measures. It is clear that the surrounding areas remain at risk of such coastal flooding regardless of the development of this site.
- 6.4.7. I am satisfied that the specific design measures, including the increase in ground levels on the site, will mitigate the risk of inundation of proposed dwelling units. Third parties have raised the potential for displacement of flooding and impacts on the drainage of their lands arising from the proposed development. I regard it as

reasonable to conclude that given the tidal nature of the flooding risk, displacement flood effects are not likely to be significant. I note reference in appeal submissions to PA ref 17/786, ABP ref. ABP-301271-18 at Redcow, Old Newry Road, Dundalk, however the flood risk characteristics in that case were different from those arising in the subject case.

- 6.4.8. With regard to access, I note that the topographic surveys submitted with the application identify existing levels adjoining the site on the Red Barns Road to be in the range of 2.478m to 2.881m OD. Based on CFRAMS predicted flood levels, a 0.5% flood event to 3.72m OD would therefore result in flood depths of 0.839 - 1.24m on this road, notwithstanding bullet point no. 3 of identified mitigation measures in the SSFRA. This would increase further when taking account of climate change. This is not adequately addressed in the SSFRA and would appear to be an excessive depth to provide for emergency vehicle access. Having regard to the single point of access to the site, pending relief works of the nature identified in the FRMP for the Neagh Bann River Basin or other works to ensure safe access to the site in a flood event, I consider that the development would be premature and would give rise to a risk to public health. While flooding is a central issue in the appeal, the issue of access is not specifically raised in appeal submissions.

6.5. Surface Water Drainage

- 6.5.1. The surrounding area is low lying and the site shows evidence of poor drainage. The submitted details indicate that there is a slight fall in ground levels within the site toward the western site boundary and from adjoining lands to the west toward the site. Historic mapping indicates that the area was drained by an open drain flowing north along this boundary toward the River Blackwater, which flows east to the sea. There is no evidence of this drain on the site currently, however, submissions on the file indicate that that the drain was piped in the past and continues north along the same line.
- 6.5.2. The development proposes the collection of surface water run-off from impermeable surfaces within the site and attenuation storage prior to discharge to the public surface water sewer in Springfield Manor to the south, at greenfield rates. A small proportion of surface water is to be managed by storage and percolation to ground.

The surface water sewer in Springfield Manor flows south and then west to connect into the now piped historic drain running north along the western site boundary.

- 6.5.3. Ground levels across the site are to be increased. At the western boundary, proposed ground levels will be approx. 0.8m over adjoining ground levels to the west, rising to the east such that finished floor levels will be approx. 1.75m over existing ground levels. A block retaining wall is to be provided along the western boundary. A perimeter land drain will be provided inside this wall, and similarly along the northern and southern site boundaries, to intercept run-off from the appeal site and connect into the proposed surface water drainage system.
- 6.5.4. I note that the application does not identify the precise line of the surface water drain running north to the west of the site. The relationship between the proposed western boundary and this drain is unclear or whether there is potential for any interference therewith.
- 6.5.5. The appropriate sizing and capacity of the perimeter land drain should be subject to final agreement, in order to obviate potential run-off from the development to adjoining lands. This proposed perimeter land drain discharges unattenuated flows to the public sewer network. As it is the total final volume discharged to the public sewer which is of concern in such cases, these flows should be accounted for in the permitted outflow from the site and associated attenuation storage to be provided. I consider that the final greenfield run-off rate in this case should be subject to agreement with the planning authority.
- 6.5.6. Having regard to the increased ground levels and proposed boundary treatment, the proposed development has the potential to interfere with the natural drainage from lands to the west in Willow Dale. Photographs accompanying the Observation describe ponding and waterlogging that occurs along the rear of properties in Willow Dale following heavy rain. In this regard, I consider it reasonable that the development should make provision to address the risk of back-up of surface water on adjoining residential properties. It is not clear whether it is viable to provide a drain to the west of the proposed retaining wall to address this issue, however, it is considered that options in this regard should be reviewed.

- 6.5.7. At the southern boundary with Springfield Manor, ground levels on the appeal site will not be significantly higher than the adjoining the area of public open space and the drainage design should adequately address potential run-off to the south.
- 6.5.8. I note that house no. 33 is located within approx. 2m of the site boundary. Having regard to the proposed ground levels and nature of the boundary retaining wall, and in the absence of any detail on the relationship with the proposed house, greater separation may be considered appropriate on this site.
- 6.5.9. Having regard to the drainage characteristics of the site and surrounding area, I consider that there are issues in the design of the surface water management system which may give rise to impacts on adjoining properties and which should be adequately resolved prior to any development on the site.

6.6. Access and Permeability

- 6.6.1. The site is accessed from Red Barns Road, which joins the R172 at a roundabout approx. 110m south of the site. The R172 provides access south to Blackrock and west to the N52. Red Barns Road is of relatively high quality and is provided with a footpath and cyclepath along its western side.
- 6.6.2. A traffic impact assessment and assessment of construction traffic impacts has been submitted. I note that the assessment adopts a worst-case scenario whereby the entire development will be operational in year 1, rather than a phased release of the development. Construction traffic impacts are noted however, having regard to the short-term nature of such works, significant impacts on the functioning of the adjoining road network are not anticipated. Having regard to the nature and quality of the surrounding road network and the assessment of traffic impacts, I do not consider that the proposed development would give rise to negative impacts on its functioning or on road safety. A construction traffic management plan can be the subject of agreement with the planning authority.
- 6.6.3. At the request of the planning authority, a pedestrian connection from the proposed development through Springfield Manor was proposed in outline form at further information stage. I do not consider that this would add materially to the amenities of residents in the existing or proposed developments. I acknowledge the benefits of

increased levels of permeability, however, the most significant benefit in this regard would be a pedestrian connection to Hazel Close to the north, which would provide for significantly reduced pedestrian journeys to shops and the local national school from the proposed development. The Board may wish to consider revisions to the proposed development to provide for such connection, in the event of a decision to grant permission, possibly through the site of houses no. 37 and 38.

6.7. Other Matters Arising

- 6.7.1. Following the submission of the Dept. of Culture, Heritage and the Gaeltacht, a bat survey of the site was undertaken. Two principle bat species were observed foraging on the site (common pipistrelle and soprano pipistrelle), as well as smaller numbers of Leisler's bats. No evidence of roosting in existing buildings on the site was found and the report notes that the site is not of conservation significance for bats. Mitigation measures for site clearance and site development works are identified.
- 6.7.2. The development provides 91 no. residential units, however, there is no provision for childcare facilities in the scheme. As part of the application, the first party argued:
- One-bed and two-bed (3-person) apartments will not generate demand.
 - Single-person households account of 24% of households, such that only 47 of the 62 no. housing units will be occupied by families.
 - Based on an average of 1.38 children per household, of which 30% are pre-school age, this would equate to 19 no. pre-school children.
 - Only 19% of pre-school children avail of childcare services, such that the development would generate a demand of 4 no spaces only.
- 6.7.3. While the community audit submitted with the application identifies childcare providers in the vicinity of the appeal site, no detail regarding capacity is provided. I have already commented on the appropriateness of providing all two-bed apartments as 3-person dwelling units and have recommended that this be amended. I also consider that the first party arguments double-count provision for single-person households.

Either excluding one-bed apartments, or 24% of the total 91 no. residential units, would equate to 77 no. units. Possible modifications to the development identified above would potentially reduce the development to below the threshold for provision of childcare facilities. In the event of a decision to grant permission and where the Board do not accept such modifications, I consider that the development should comply with the provisions of the Childcare Facilities Guidelines and provide one facility on the site. Alternatively, a financial contribution in lieu of such provision may be considered in line with Policy HC 28 of the development plan for the area.

7.0 Appropriate Assessment Screening

- 7.1. The application was accompanied by a Stage 1 screening assessment. The assessment describes the nature of existing vegetation on the site and the pattern of drainage in the area, noting that in the context of agricultural lands to the east, the site is not an important one for bird species. In general no flora or fauna species of interest were noted, although some invasive species on the site were identified.
- 7.2. Relevant European sites are identified as Dundalk Bay SPA and SAC, connected through local drainage. Other sites in the wider area are not connected to the subject site and are therefore screened out. This conclusion is considered to be reasonable.
- 7.3. Dundalk Bay is identified as the premier site for waders in the country and includes several habitat types. Qualifying Interests are set out below:

000455 Dundalk Bay SAC	Estuaries Mudflats and sandflats not covered at low tide Perennial vegetation of stony banks Salicornia and other annuals colonizing mud and sand Atlantic salt meadows Mediterranean salt meadows
004026 Dundalk Bay SPA	Greylag Goose Grey Plover

	Light-bellied Brent Goose Lapwing Shelduck Knot Teal Anas Dunlin Mallard Black-tailed Godwit Pintail Bar-tailed Godwit Common Scoter Curlew Numenius Great Crested Redshank Red-breasted Merganser Black-headed Gull Oystercatcher Common Gull Ringed Plover Herring Gull Golden Plover Wetlands & Waterbirds
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- 7.4. The conservation objectives in respect of the SAC are to maintain the favourable conservation condition of the qualifying interests, based on area and distribution, physical structure and vegetative composition and ecological functioning. The development will not result in the loss of any habitats of conservation interest. Having regard to separation from the qualifying habitats, the limited area of the site relative to the SAC, and the connection of the development to mains services, it is not considered that significant impacts on this European site are likely. While there is no direct watercourse connection between the site and the European site, the SAC is not identified as being sensitive to sediment from construction activity.
- 7.5. The conservation objectives in respect of the SPA are to maintain the favourable conservation condition of the qualifying interests, as measured by population trend

and distribution of feeding areas. Having regard to separation from the European site, disturbance during construction or operation of the proposed development is not expected. The site is not identified as comprising an ex-situ foraging or roost site for wintering birds. Significant effects on the SPA are not therefore anticipated.

- 7.6. I note the comment of the Dept. of Heritage, Culture and the Gaeltacht on the AA screening assessment and I consider that it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC (000455) or Dundalk Bay SPA (004026), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the risk of flooding arising in this area and the outstanding issues identified in respect of surface water drainage, it is recommended that permission be refused for the proposed development.

9.0 Reasons and Considerations

1. The proposed development is located in an area which is at risk of flooding and is served by a single means of access via Red Barns Road. Having regard to the existing levels on this road and predicted flood levels in this area, it is not considered that safe access and egress to the development can be maintained for routine and emergency access during flood events. Notwithstanding the proposed increase in ground levels on the site, the proposed development would present a risk to public health and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing drainage characteristics of the appeal site and the surrounding area, the design of the surface water drainage system, including the design and capacity of proposed attenuation measures, the Board is not satisfied that the development would not interfere with the drainage of the surrounding area and considers that it would therefore negatively impact on the amenities of adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Conor McGrath
Planning Inspector

11/05/2020