



An
Bord
Pleanála

Board Direction
BD-002708-19
ABP-303253-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/03/2019.

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

Reasons and Considerations

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

- (a) the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Dundalk Environs Development Plan 2009-2015 (extended) in respect of residential development;
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Louth County Development Plan 2015-2021 and appendices contained therein;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by

the Department of the Environment, Heritage and Local Government in May 2009;

- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) the Planning System and Flood Risk Management Guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (h) the availability in the area of a wide range of social community and transport infrastructure,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received and
- (k) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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: Stabannan-Braganstown Special Protection Area (site code 004091), Carlingford Mountain Special Area of Conservation (site code 000453), and Carlingford Shore Special Area of Conservation (site code 002306), in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, Dundalk Bay Special Area of Conservation (site code 000455), and 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 European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted his 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 a suburban area on a generally greenfield site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This grant of permission permits the construction of 158 number units in total (99 number houses and 59 number apartments) and a crèche facility.

The proposed development shall be amended so that Apartment Block G3 shall be omitted and its location integrated in to the tertiary open space area shown on Landscape Design drawing 00 Rev 1.

Revised drawings showing compliance 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 clarity and in the interests of residential amenity.

- 3 The appropriate period for this permission shall be five years from the date of this order. The development shall be carried out within that period in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. :
 - (a) the plan shall stipulate that none of the authorised dwellings may be made available for occupation by the developer until the completion and successful commissioning of the project to provide necessary upgrade and capacity at Blackrock Wastewater Treatment Plant, as detailed by Irish Water in their correspondence dated 5 November 2018 and included in the Report on Services Associated with the Proposed Development, prepared by Denis Williams Design Services Limited.
 - (b) the plan shall detail the installation of any ancillary infrastructure such as a suitably sized pumping station on site and diversions of the existing Irish Water wastewater network on the site.
 - (c) the plan shall stipulate that none of the authorised dwellings may be occupied until the proposed footpath along the western side of Old Golf Links Road has been constructed to the satisfaction of the planning authority.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

4. A suitable quantity of secure and sheltered bicycle parking spaces shall be provided for the authorised apartments and childcare facility which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments.

5. Prior to commencement of development, the developer 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.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) details of hard surface finishes and paving materials in the vicinity of the Blackrock Stream, together with a management plan to ensure the protection of the semi-mature woodland and riparian corridor during construction;
- (c) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- (d) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;
- (e) details of proposed boundary treatments at the perimeter of the site and specifically at the boundaries with existing residential property, including heights, materials and finishes;
- (f) measures to ensure the retention of the existing hedgerows where appropriate and additional screen planting to the entire north-western and north-eastern boundary of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

- (a) Implementation of all mitigation measures in the site-specific Flood Risk Assessment.

(b) Revised surface water drainage calculations with regard to attenuation storage for catchments 1 and 2.

(c) Submit details of any bridge crossings and other stream crossings.

Reason: In the interest of public health and to ensure a proper standard of development.

8. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

9. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

10. 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 for occupation of any unit.

Reason: In the interests of amenity and public safety.

11. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

- 13. 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 Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex dwellings in the development. 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.

- 14. (a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Smarter Travel/Mobility Management Plan. This shall include measures to promote and improve the attractiveness of using public transport, cycling, walking, car clubs or a combination of these as alternatives to drive-alone journeys. Confirmation that this plan has been prepared and agreed shall be submitted to the planning authority prior to the occupation of the first residential unit.

- (b) The proposed development shall make provision for the charging of

electrical vehicles. All car parking spaces, serving both individual houses and apartments, shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

15. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

17. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

18. Site development and building works shall be carried out only between 0800 to 1800 hours 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 amenities of property in the vicinity.

19. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

20. **Standard ABP Waste Management Condition**

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

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

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

23. 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.

Board Member

Date: 29/03/2019

Terry Ó Niadh