



An
Bord
Pleanála

Board Direction
BD-018461-24
ABP-319738-24

The submissions on file and the inspector's report were considered at a Board Meeting held on the 12/12/2024.

The Board decided to approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024,

And in coming to its decision, the Board had regard to the following:

- (a) the European Union Habitat Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) the Government of Ireland Climate Action Plan, 2024,
- (d) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (e) the conservation objectives, qualifying interests and special conservation interests for the Dundalk Bay Special Area of Conservation (Site Code: 000455), and Dundalk Bay Special Protection Area (Site Code: 004026),
- (f) the policies and objectives of the Louth County Development Plan 2021-2027,

- (g) the Guidelines for Planning Authorities on Sustainable Residential Development 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,
- (h) the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024,
- (i) the Design Manual for Quality Housing (2022), prepared by the Department of Housing, Local Government and Heritage,
- (j) the nature and extent of the proposed works as set out in the application for approval,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, Appropriate Assessment Report and Ecological Impact Assessment,
- (l) the submissions and observations received in relation to the proposed development, and,
- (m) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Stage 1:

The Board agreed with and adopted the screening assessment, appropriate assessment and conclusions as carried out in the Inspector's report that Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) are the European Sites for which there is a likelihood of significant effects.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and Ecological Impact Assessment and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for Dundalk Bay Special Area of

Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) in view of the Sites' conservation objectives.

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

- (i) the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026),
- (ii) the mitigation measures which are included as part of the current proposal, and,
- (iii) the conservation objective for these European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposal on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

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

Proper Planning and Sustainable Development and Likely effects on the environment.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the archaeological heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: In the interest of protecting the environment and European Sites and in the interest of public health

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include a Traffic Management Plan and Waste Management Plan which shall adhere to best practice, standards and protocols.

Reason: In the interests of protecting European Sites, biodiversity, traffic safety and waste management.

4. Drainage arrangements, including the attenuation and disposal of surface water and water supply shall comply with the requirements of Irish Water and the local authority for such works and services as appropriate.

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

5. The following nature conservation requirements shall be complied with:
- (a) No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive).

Reason: In the interests of biodiversity and nature conservation.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

7. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, the site clearance, site set up and construction of the proposed development. The Ecological Clerk of Works shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of the protection of biodiversity and the European sites.

8. The local authority, and any agent acting on its behalf, shall engage a suitably qualified archaeologist to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an Archaeological Impact Assessment report and a copy shall be submitted to Department of Housing, Local Government and Heritage for comment, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an Archaeological Impact Statement and mitigation

strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the Minister for Housing, Local Government and Heritage, shall be complied with by the local authority and any agent acting on its behalf. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and agreed in writing with the Department of Housing, Local Government and Heritage. The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All reports prepared shall be placed on file and retained as part of the public record.

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.

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

Reason: In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday 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.

Reason: To protect the amenities of nearby residential properties.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be agreed prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

Board Member



Peter Mullan

Date: 13/12/2024

DECISION QUASHED