

An
Coimisiún
Pleanála

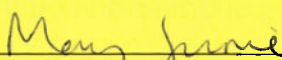
Direction
CD-020410-25
ABP-321081-24

The submissions on this file and the Inspector's report were considered at a meeting held on 05/08/2025.

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

Planning

Commissioner:


Mary Gurrie

Date: 07/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the provisions of the Dundalk Local Area Plan 2025-2031 and the Louth County Development Plan 2021-2027, including the zoning of the site as 'C1 Mixed Use' and 'H1 Open Space' and the support outlined in the County Development Plan for the provision of sport and recreation facilities, particularly those which will facilitate shared use (including Policy Objectives SC 7, SC 8, SC 20, and SC 29); the provisions of 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities' issued by the Department of Environment,

Heritage and Local Government and the Office of Public Works in November 2009; the pattern and character of development in the area and the design and scale of the proposed development; it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable use-type and scale of development at this location, would not result in any unacceptable flood risk, would not seriously injure the amenities of surrounding properties or detract from the character of the area, would not detract from ecological or archaeological value, would be adequately served by existing and proposed infrastructure, and would be acceptable in terms of pedestrian and traffic safety. It is considered that the proposed development would be compliant with the provisions of the Dundalk Local Area Plan 2025-2031 and the Louth County Development Plan 2021-2027 and would be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1

The Commission completed an AA Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the application, the Inspector's report and submissions on file including the observations of the Department of Housing, Local Government and Heritage. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would potentially be likely to have a significant effect on the European sites, Dundalk Bay SPA (Site Code 004026) and the Dundalk Bay SAC (Site Code 000455) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the case file and completed an Appropriate Assessment (Stage 2) of the implications of the project on Dundalk Bay SPA and the Dundalk Bay SAC in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the

carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of Dundalk Bay SPA and the Dundalk Bay SAC in view of the sites' conservation objectives and qualifying interests. This conclusion is based on the following:

- The nature and scale of the proposed development and its limited hydrological connectivity with the European Sites in Dundalk Bay.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Dundalk Bay SPA or Dundalk Bay SAC, nor prevent or delay the restoration of favourable conservation condition for 'Salicornia and other annuals colonizing mud and sand' in Dundalk Bay SAC.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the adoption of commitments in the Construction Environmental Management Plan.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

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, or as otherwise stipulated by conditions hereunder, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the Ecological Impact Assessment Report shall be implemented.

Reason: To protect biodiversity.

4. The proposed junction with the Dublin Road/Hill Street and the proposed access road shall comply with the requirements of the Design Manual for Urban Roads and Streets (2019) and shall include:

- (a) Junction redesign to include tightened radii and a raised pedestrian crossing.
- (b) Road materials, markings and signage to support shared surface use.
- (c) Road markings and signage to indicate vehicular priority for vehicles entering the development at the single carriageway section of the access road.

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

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. The design of the proposed cycle lane along Dublin Road/Hill Street shall comply with the requirements of the Cycle Design Manual published by the National Transport Authority (2023), details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation and safety.

6. Prior to the opening of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by users of the development. The mobility strategy shall be prepared and implemented by the applicant for all users of the proposed facilities.

Reason: In the interest of encouraging the use of sustainable modes of transport.

7. The proposed layout shall be amended to provide access to the existing open drainage channel along the eastern site boundary for the purposes of management and maintenance. Revised drawings showing the proposed layout shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of public health.

8. The operational hours of the floodlighting shall not extend beyond 2200 hours, with automatic cut-off of floodlighting at that time.

Reason: To protect the residential amenity of properties in the vicinity.

9. (a) The sowing of commercial 'wildflower seeds' shall be omitted from the landscaping plan for the proposed development'.
(b) Any ponding water shall be inspected regularly by the Environmental Manager for the presence of frogspawn during the relevant season, and any identified frogspawn that is likely to be disturbed shall be moved to a suitable location under licence from the National Parks and Wildlife Service.

Reason: In the interest of biodiversity protection.

10. (a) The existing railing boundary between the site and the Iarnród Éireann lands shall be retained and protected from damage during construction. The details of any requirement for supplementary boundary treatment shall be agreed in writing with the planning authority prior to the commencement of development.
(b) All works shall be carried out in a manner that maintains the safety and functionality of Iarnród Éireann railway operations.

Reason: In the interest of orderly development.

11. 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 visual amenity.

12. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

13. Advertising structures/devices erected within the site shall not be visible when viewed from outside the curtilage of the site.

Reason: In the interest of visual amenity and the protection of residential amenities of properties in the vicinity.

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management

15. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. It shall provide details of intended construction practice for the development, including:

- (a) Location of area(s) identified for the storage of construction refuse, site offices and staff facilities;
- (b) Details of site security fencing and hoardings;
- (c) Details of on-site car parking facilities for site workers during the course of construction;
- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) Provision of parking for existing properties during the construction period;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety, and environmental protection.

16. 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 amenities of property in the vicinity

17. (a) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, 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.

(b) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

(c) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service 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 resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

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.