

An  
Bord  
Pleanála

Board Order  
ABP-310345-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 20707**

**Appeal** by Gerard Connor of The Mill, Dunleer, County Louth and by Bellscape Limited care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 30<sup>th</sup> day of April, 2021 by Louth County Council to grant subject to conditions a permission to the said Bellscape Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the provision of 35 number dwellings comprising 13 number houses and 22 number apartments. The proposed houses are located in the southern part of the site and consist of five number detached, four number semi-detached and four number terraced dwellings, all two storeys in height. Four of the proposed detached dwellings front Main Street/R132 and incorporate south facing first floor roof terraces and individual new vehicular accesses off Main Street/R132 to serve each dwelling. The proposed apartments are accommodated in a two storey building located towards the northern part of the site, with balconies provided at first floor level. The development also provides for a new vehicular entrance onto Main Street/R132 to serve the apartments, semi-detached and terraced houses, a public footpath along the site frontage on the east side of Main

Street/R132 and a pedestrian only entrance to the development off Main Street/R132. It is also proposed to provide a riverside amenity path. The proposed development also provides for all site development works including alterations to ground levels and construction of retaining walls, internal roads and footpaths, electricity substation, car parking, open space, public lighting, landscaping and boundary treatments at Main Street, Dunleer, County Louth, as amended by the revised public notice received by the planning authority on the 8<sup>th</sup> day of April, 2021 which comprises the extension of the site area to encompass the Motte at the northern end of the site and the full extent of lands zoned Open Space, Recreation and Amenity. Other revisions include the realignment and redesign to limited sections of the internal access road and reconfiguration of car parking; revisions to landscape and boundary treatments; external and internal revisions to the apartment buildings including a reduction in level to Main Street/R132 (west) elevation and re-design of ground floor.

## **Decision**

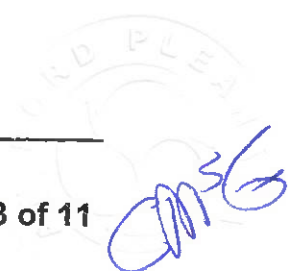
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

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

## Reasons and Considerations

Having regard to the zoning objective for the site, as set out in the Dunleer Local Area Plan 2017-2023, the policies and objectives of the Louth County Development Plan 2015-2021, the National Planning Framework 2018, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018, and the overall scale, design and layout of the proposed development and concurrent provision of riverside amenity area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the site, would constitute an acceptable form of development close to the town centre and would not seriously injure the heritage, nature conservation, visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of April 2021, 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.

**Reason:** In the interest of clarity.

2.
  - (a) The site, including the Riverside Amenity Park, shall be landscaped in accordance with the Landscape Layout Plan drawing number 20120\_LP\_01, submitted to the planning authority on the 8<sup>th</sup> day of April 2021, save for the indicative routes of the extended riverside path to the northern and southern boundaries of the site, which do not form part of this application.
  - (b) All landscaping of the Riverside Amenity Park, including the looped pathway encompassing the Riverside Amenity Park, the planting of the wildflower meadow within the pathway area, the associated amenity facilities, interpretation signage and play equipment, shall be completed to the written satisfaction of the planning authority, prior to the making available for occupation of any of the residential units.

- (c) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.
- (d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of clarity and of residential, visual and recreation amenity.

- 3. (a) The subject site shall be re-surveyed for presence of Japanese knotweed. Details of this survey, together with any measures required to eradicate any further area(s) of knotweed, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Measures set out in the Ecoweed Control Report, submitted to the planning authority on the 8<sup>th</sup> day of April 2021, to eradicate knotweed from the site, shall be completed in full prior to the commencement of development on site.

**Reason:** In the interest of the control of invasive species.



4. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transport.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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.

6. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs and house/apartment unit numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

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

**Reason:** In the interests of visual and residential amenity.

8. 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) implement in full the recommendations and mitigation measures set out in the Archaeological and Visual Impact Assessment Report, submitted on the 14<sup>th</sup> day of September, 2020,
  - (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 planning authority considers appropriate to remove.

The National Monument Service and the planning authority shall be furnished with a report describing the results of the monitoring. 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.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

10. 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.

**Reason:** In the interest of public health and to prevent flooding.

11. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. 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, in consultation with Inland Fisheries Ireland in respect of surface water issues, prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management, off-site disposal of construction/demolition waste and the management of surface water during construction.

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



13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development, or aspects of the development, being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and evidence of the legally constituted management company shall be submitted to the planning authority in writing prior to the occupation of any residential unit.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.



15. (a) The roads and traffic arrangements serving the site (including road signage, footpath along the site frontage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (b) No works shall commence on site until the visibility splays have been provided to the satisfaction of the planning authority.

**Reason:** In the interests of pedestrian and traffic safety.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

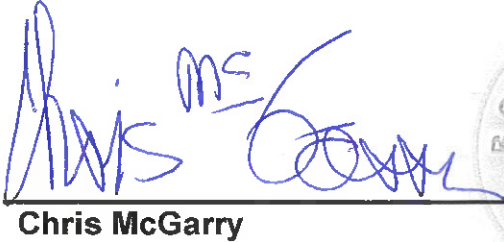
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.



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17. 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.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 23<sup>rd</sup> day of September 2021.

