



An  
Bord  
Pleanála

## Inspector's Report ABP-300043-17

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<b>DEVELOPMENT:</b>	Development of a mixed use scheme comprising residential dwellings, creche, and community facilities, public open space and ancillary works.
<b>Location</b>	Demesne Road, Dundalk, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	17363
<b>Applicant(s)</b>	Emaoifrob Limited
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brid Rogers, Eamon & Joanne Murphy Louth Environmental Group
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24/01/2018
<b>Inspector</b>	Gillian Kane

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## 1.0 Site Location and Description

- 1.1.1. The subject site is located to the west of Demesne Road, on the western side of Dundalk town, in County Louth.
- 1.1.2. The site can be separated into three parts. Directly on Demesne Road and forming the north-eastern corner of the site is the site of the recently demolished Ice House. This overgrown plot is separated from remainder of the site by construction gates and fencing. To the north of this plot is Ice House Hill Park, a mature open space with pedestrian paths that run from Demesne Road to the railway line in the west.
- 1.1.3. A roadway off Demesne Road into the former industrial lands runs to the immediate south of the demolished dwelling site. This gated entrance leads to a large hard surfaced plot with a series of single storey building / warehouses, a two storey vacant office building and a series of gated compounds. A brick wall bounds the site to the east, forming the boundary with the dwellings on Demesne Road.
- 1.1.4. The third section of the development site is outside of the existing southern boundary wall and comprises a green open space. A well-used pedestrian path runs from Demesne Road, through this green, south into the Carroll Mead & Pearse Park residential areas and west to an underpass under the railway line. On the date of my site visit (following heavy rain) this green space was extremely water logged, with large areas of flooding. Distinctive tree lines sit outside the southern and northern boundary walls.
- 1.1.5. The wider area to the north and south of the site are mature residential estates. To the east, the Long Walk Shopping Centre marks the transition to the town centre and to the west runs the railway line.
- 1.1.6. Photographs from the site visits are appended to this report.

## 2.0 Proposed Development

- 2.1.1. Permission was sought for the demolition of all structures (3,126.53sq.m.) on a site of 2.895ha and the construction of 122 no. dwellings (84 no. houses and 38 no. apartments in two six storey blocks), 122 no. car parking spaces including 6 no. disabled access spaces, a creche / community room (552sq.m.) with an outdoor play area of 194sq.m., public open space.

2.1.2. Details provided in the application form include the following:

- total site area 2.895ha.
- Floor area of buildings to be demolished: 3,126.53sq.m.
- floor area of proposed buildings: 10,996sq.m.
- 122 no. residential development breakdown:
  - Houses: 42 x 2bed, 34x3bed, 8x4bed= total 84
  - Apartments: 12x1bed, 26x2bed= total 38

Following submission of FI this was revised to 130 units, as follows:

- 2 no. 4 beds semi-detached units
- 22 no. 3 bed terraced units
- 29 no. 2 bed terraced units
- 4 no. 2 bed bungalows
- 28 no. apartments (12 no. one bed and 16 no. two beds)
- 18 no. duplexes with two bedroom units at ground and first floor and 1 bed unit at the second floor. (total of 36 residential units)
- 6 no. one bed apartments over the proposed creche and
- 3 no. two bed units over the proposed creche building

2.2. The application was accompanied by the following:

- Cover letter
- Planning Report
- Letter of consent from landowners
- Schedule of Internal Space and Private Open Space
- Demolition Order relating to The Ice House
- Method Statement and Risk Assessment for Demolition Works
- Design Statement
- AA Screening Report
- Engineering Compliance Report
- Arborist Assessment
- Engineering / Traffic & Transport Report

- Landscape Report and plan Letter from Clúid Housing stating that they are interested in the scheme.

### **3.0 Reports on file following submission of Application**

#### **3.1. Third Party Observations**

3.1.1. A number of observations were submitted to the Planning Authority. The issues raised can be summarised as follows:

- Possibility of anti-social behaviour
- Increased traffic will affect emergency services, existing residents and existing parking
- Proposed development is not of sufficient density for a town centre site
- Proposed apartment blocks will dominate the skyline
- Drainage issues on Demesne Road will be exacerbated
- Proposed development will generate additional noise
- Lack of clarity regarding right of way over the Eircom site
- High rise nature of the proposal is not in keeping with the town. Proposed design is not appropriate
- Open space for the proposed development should not be met by the inclusion of an area that already serves as a public park
- The removal of the southern boundary wall will remove a line of mature trees
- The Cedar of Lebanon tree is approx. 216 years old and is designated for protection in the 2009-2015 Development Plan. The proposed development may damage the roots of this tree
- The proposed housing mix is not appropriate
- The proposed development will overlook existing properties
- Proposed development is not SuDS compliant
- The souterrain has been inadequately addressed
- No waste plan for proposed development
- Insufficient details of proposed drainage
- Large number of vacant residential units in Dundalk, should be developed first
- Pedestrian access to existing estates should not be facilitated
- Frogs & Newts are abundant in the area. This has not been addressed

### 3.2. **Planning Authority Reports**

- 3.2.1. **DAU:** Subject site contains a souterrain of archaeological interest Recorded Monument LH007-105. An Archaeological Impact Assessment should be prepared to address the potential impact.
- 3.2.2. **Infrastructure Office:** Further information should be sought on the following: DMURS, road cross sections, pedestrian movements, Phase & Stage diagrams of the proposed staggered signalised junction.
- 3.2.3. **Irish Water:** Further information required.
- 3.2.4. **Planning Report:** Mix of proposed development (95% residential, 5% non-residential) does not comply with zoning objective. However existing commercial properties in the immediate and wider area are vacant, therefore any proposed retail would fail the sequential test. Proposed mix is acceptable in this instance. Proposed dwelling design is acceptable. Proposed seven storey apartment blocks require choice of materials to be revised. Blocks are excessively tall and at odds with pattern of development in the area. Would be detrimental to the visual amenity of the area, should be reduced to 4storeys. Site is capable of accommodating higher density with the introduction of additional residential types. Private open space meets standards of development plan. Proposed removal of so many mature trees is contrary to development plan policy, arborist assessment is deficient in content. Possible to retain trees if some units removed. Application does not adequately address recorded monument. No overlooking will occur. PartV, Natura 2000, flooding, all acceptable. Further information required re DMURS. Recommendation to request FI.

### 4.0 **Request for Further Information**

- 4.1.1. On the 30<sup>th</sup> June 2017, the applicant was requested to address the following issues:
- 1 Redesign of proposed apartment blocks to no more than 4 storeys,
  - 2 Revised plans showing omission of units 15-17,47-50 and 64-66 and relocation of hammerheads to facilitate the retention of 54 no. semi-mature ash and alder trees,
  - 3 revised plans showing a higher density of residential development of no greater than 4 no. storeys, with specific reference to the terrace housing along the northern and north-western boundary

- 4 DMURS requirements
- 5 Signalised junction layout drawing
- 6 Irish Water Infrastructure requirements
- 7 Archaeological Impact Assessment

The applicant was advised that responding to the above may require revised public notices.

#### 4.2. Response to FI Request

4.2.1. On the 5<sup>th</sup> September 2017, the applicant submitted the following:

- 1 Planning Cover letter stating that the development is revised as follows:
  - proposed apartment blocks relocated, split into two buildings and reduced in height to 4 storeys with setback. Results in the formation of gateposts into the development
  - relocation of crèche and community room to a new block on the northern side of the central open space
  - apartments lost from reduction in block height are replaced over the crèche building
  - Proposed houses along the park boundary have been replaced with three storey duplex units (two storey units with garden at ground and first floor, single storey apartment at second floor)
- 2 Hammerheads at units 15-17 and 47-50 have been moved northwards away from the treeline. This allows the majority of trees to be trained. Applicant happy to accept a condition requiring the protection of trees.
- 3 Residential density increased to 44.9units pha gross (75.6units per ha net).
- 4 Drawings 4177C01 & 4177 C11 and Engineering report confirms proposed development complies with DMURS
- 5& 6 Entrance to proposed development is a priority junction rather than a signalised junction. Drawings 4177C01 & 4177 C12 and Engineering report submitted.
- 7 Letter of consent from Louth County Council to permit application for construction of water & drainage network systems at Demesne Road. Longitudinal sections of proposed foul sewers, details of three-piece sluice valve arrangements and looped configuration

## 8 Archaeological Impact Assessment

4.2.2. The applicant submitted further details on their proposed Part V compliance, requesting that an exemption from the levy be agreed by way of condition.

### 4.3. **Third party observations following submission of FI**

4.3.1. Issues raised can be summarised as follows:

- Revised site layout, reduction in apartment block heights and retention of trees are welcomed
- Link to Pearse Park should not be facilitated
- Construction access must be within the site only
- Proposed apartment blocks are too close to houses on Demesne Road
- Overlooking of houses on Demesne Road has not been resolved
- Proposed re-design increases no. of units from 122 to 130. Houses increased from 84 to 93 no. units.
- Proposed re-design does not mitigate the visual impact

### 4.4. **Planning Authority Reports following submission of FI**

4.4.1. **DAU:** Archaeological Impact Assessment is acceptable. Conditions recommended.

4.4.2. **Infrastructure Office:** No objection subject to conditions.

4.4.3. **Planning Report:** Propose re-design changes the ratio of residential to non-residential from 95:5 to 96:4. This is acceptable due to the vacancy rates in the town. Proposed increase in density is acceptable. Recommendation to grant subject to conditions.

## 5.0 **Planning Authority Decision**

### 5.1. **Decision**

5.1.1. On the 29<sup>th</sup> September 2017, the Planning Authority issued a notification of intention to **GRANT** permission subject to 18 no. standard conditions.



## 6.0 Planning History

6.1.1. The subject site has a long and varied planning history. Of relevance to the subject proposal are:

PA reg. ref. 55523166: Permission granted to the OPW for an engineering HQ.

PA. reg. ref. 99/347: Permission refused for the conversion of office stores to retail

PA. reg. ref. 04/342: Application for the demolition of the Ice House and all industrial buildings and the construction of 125 residential units was withdrawn.

## 7.0 Policy Context

### 7.1. Louth County Development Plan 2015-2021

7.1.1. The Core Strategy of the development plan classifies Dundalk as a Large Growth Town 1, being a key destination, economically active, supporting surrounding areas and located on a multi-modal corridor.

7.1.2. Policies of relevance to the subject proposal include:

- **RES 1** It is the policy of Louth County Council to ensure compliance with the Housing Strategy and to facilitate the provision of housing units to sufficiently cater for social and specialist housing needs as identified in the Housing Strategy over the Plan period.
- **RES 2** It is the policy of the Council to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice.
- **RES 3** Provision of social and specialist housing shall be progressed through partnership working with voluntary and co-operative housing organisations, the HSE and through agreements with private developers.
- **RES 4** Require that 12% of all private residential development on lands zoned for residential or mixed uses (where residential is included) be provided for social /and or specialist housing under the provisions of Part V of the Planning Acts.
- **RES 5** Within the overall 12% requirement, criteria to be taken into account will include the type and location of the housing units required by the Planning Authority at a given time, as defined by the Priority Housing List of the Housing Section.

- **RES 6** To encourage and promote the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community and residential amenities, and where Part V is visually and otherwise integrated into the overall development, thus counteracting undue segregation.
- **RES 7** Continue to cater for the needs of persons with special requirements including persons with disabilities and the elderly, including the concept of independent living and the development of 'lifecycle housing' i.e. housing that is adaptable for people's needs as they change over their lifetime.

7.1.3. Policy **RES 10** of the development plan is "to ensure all new residential developments are consistent with the guidelines and best practice manuals issued by the DECLG in the planning for and provision of sustainable communities within new residential areas." Section 4.3 of the development plan states that the Council will require that all residential developments are consistent with the assessment criteria as set out in the Urban Design Manual. They are reproduced in Table 4.2 of the development plan

- **RES 12** To encourage developers to provide for a mixture of housing types and sizes within residential development including single storey units to create sustainable balanced communities.
- **RES 13** To encourage developers to provide for a mixture of housing types and sizes thereby creating visual variety and preventing residential developments that are homogenous in character.

7.1.4. A number of the trees in the Ice House Hill Park and the Cedar of Lebanon tree in Pearse Park (just inside the southern boundary of the subject site) are the subject of tree protection orders. **Policy CH5** seeks to "Seek the protection of important trees and groups of trees within the plan area and require that designers take into considerations the protection of trees in the design of new developments. Require replacement trees at a ratio of 4:1, and of native species, where the removal of trees is required in order to facilitate the development. Make Tree Preservation Orders for the 64 trees and groups of trees identified in appendix 6".

7.1.5. Appendix 6 of the development plan refers to these trees as follows:

**TP 3 Icehouse Hill:** Trees in the park at Icehouse Hill are mature and are in generally good condition. The main species are Beech, Lime and Oak, estimated to be between 130 and 170 years old. Most of the older trees show the effects of having been damaged by fires and animals, which occurred before the park was enclosed. There are some instances of invasion by fungus, particularly in Beech, with some deterioration of the crown. The stump of a semi-mature Ash (Fig. 4), invaded by fungus, should be removed to prevent further spread. There are also new plantings of semi-mature Ash and Lime. These trees have the protection of the Park but should be placed on the list of protected trees.

**The Cedar of Lebanon** may be older than the 216 years calculated from the girth. A special calculation for this tree, taking account of the formative period, the mature stage and senescence when the girth is expanding but slowly, would suggest that it is nearer to 280 years old, which would place it in the period in which Lord Limerick laid out his Demesne. New leaf growth was recorded on this tree in the survey carried out in 2000. So far this year, no new growth has been observed.

## 7.2. Dundalk and Environs Development Plan 2009-2015

- 7.2.1. The subject site is zoned “Town Centre Mixed Use” in the 2015 development plan. The objective for such zones is “to provide for mixed use development”. Within TCMU zones, residential development, crèche and community uses are all permitted in principle. That section of the site outside of the Eircom industrial lands, along the southern boundary of the overall application site, is zoned “recreation amenity and open space”. This RAO zoning has the stated objective “to provide for the provision of public parks, open spaces, amenity and recreational facilities”. Uses permitted within such zones are allotments and sports facilities.
- 7.2.2. Variation 1 of the development plan which provides the **Core Strategy** and phasing map of the Dundalk development plan shows the subject site within the town centre, zoned for the consolidation of the urban core. The strategy states that through prioritising these lands the promotion and delivery of more sustainable patterns of development will be achieved. The background document to the Core Strategy states that there are 9ha of brownfield lands within the town centre, which if developed would contribute to the sustainable development of the town and the prevention of unnecessary urban sprawl.

7.2.3. Policies of note in the development plan include:

**Policy TC 3:** Require the provision of mixed use development in accordance with the permitted uses within this zone and to ensure that the residential component is not less than 20% or more than 80 % of the total floor area of the proposed development.

**Policy TC 7:** Encourage a high quality built environment within the town centre and ensure compliance with Urban Design Guidance outlined in appendix 2.

**Policy TC 8:** Promote greater connectivity and permeability throughout the town through the provision of improved roads, pedestrian and cycling facilities, parking and signage

**Policy TC 9** Promote accessibility and connectivity from the surrounding areas to the town centre.

**Policy TC 11** Promote the development of backland and infill sites and the refurbishment and regeneration of brownfield and grey field sites within the town centre.

## 8.0 The Appeal

### 8.1. Louth Environmental Group

8.1.1. A third-party appeal against the decision to grant permission was received by the Board on the 24<sup>th</sup> October 2017. The appeal included a request for the Board to hold an Oral Hearing<sup>1</sup>. The grounds of the appeal can be summarised as follows:

- The proposed development is inappropriate for a town centre site as it fails to achieve the required density.
- The development does not demonstrate that the dwellings will be designed to passivhaus or carbon-negative standards.
- The development does not demonstrate an acceptable level of fire safety.
- The proposed residential density and plot ratio are too low for an inner-urban site. The development should be similar to existing Dundalk residential buildings Táin Court (7 storey), Árd Dealagn (8 storey), and the Crowne Plaza hotel (14 storey).

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<sup>1</sup> Board decided 01/02/2018 not to hold an oral hearing of the appeal

- The proposed site coverage is too high. A cluster of medium rise blocks on the north-western area of the site would be more appropriate.
- Sufficient planning / community gain has not been demonstrated. Walking / cycle access to Clarke railway station should be required.
- Proposed car parking is excessive for an inner urban area, within 1km of a public transport route.
- The proposed development is not sustainable.

## 8.2. EHP Services on behalf of residents of Demesne Road

8.2.1. The third-party appeal submitted by EHP is on behalf of Brid Rogers, Eamon & Joanne Murphy all of Demesne Road, Dundalk. The grounds of the appeal can be summarised as follows:

- The subject site lies within a medium density area of single and two storey dwellings. The proposed new community will have a significant and detrimental effect on the character and amenity of the existing neighbourhood, through overlooking, over bearing, loss of privacy and daylight, noise, vibration and general disturbance.
- No evidence of the viability of the proposed community facility and crèche has been submitted. It is submitted that at 44sq.m., the proposed community space is too small to be meaningful.
- The proposed development with a 95:5% residential to non-residential use breakdown is justified by a survey with no baseline data. The survey data used to arrive at the vacancy figure did not include major sections of Park Street, Dublin Street, Linenhall Street and Bridge Street, all of which are in the town centre retail core. It is submitted that the survey data is deficient and therefore the results are compromised.
- The proposed development has failed to give serious consideration to non-residential uses which may not conflict with the town centre and which would create a sustainable neighbourhood. It is submitted that the report was too limited in scope and too dismissive of viable alternative uses.

- It is submitted that the proposed development is not a true mixed-use development as the residential component is wildly in excess of the required ratio and in breach of Policy TC3. This is an unwelcome and dangerous precedent and not in keeping with the proper planning and sustainable development of the area.
- The proposed apartment blocks are inappropriate and out of character with the wider area. The Council requested 4 storey blocks and granted permission for 5 storey blocks. Plans of the fifth floors of the blocks have not been submitted.
- The 5 storey buildings in Dundalk are all in the centre. The Longwalk shopping centre and Carroll Village complex close to the site are no more than three storeys. The proposed 5 storey blocks will be visually obtrusive, physically overpowering and wholly incompatible in terms of scale, massing and bulk. Increased density should have been achieved with more duplex units.
- The proposed development was not assessed against the Urban Design Manual's Adaptability criteria.
- The proposed development will have profound and detrimental impacts on neighbouring properties through overlooking, loss of privacy, overshadowing and loss of natural daylight. The Council dismissed these objections stating that a 22m separation distance was sufficient. 22m is the standard between two storey buildings, not 5 storey blocks which will have a clear view into the Appellants properties. The proposed apartment block should be moved further into the site or omitted. The proposed top floor windows and penthouse amenity areas are contrary to section 6.7.5 of the development plan which requires that roof terraces and balconies do not directly overlook neighbouring habitable rooms or rear gardens.
- The appellants currently enjoy direct sunlight and daylight from an unhindered western sky. The proposed development will reduce the market value of these properties. Light pollution will arise from the first through to the fifth-floor windows which overlook the appellants properties. Noise, dust, odours and general disturbance will reduce the residential amenity of the appellants gardens. Construction hours will not address this inconvenience.
- The provision of only 4 no. bungalows is an insufficient housing mix.

- The Demolition Method statement does not address the removal of the hardstanding on the site, or the heavy machinery required to achieve same. This poses a concern for the residents on Demesne Road in terms of noise, vibration and dirt. The rear walls of the appellants properties defined the demesne of Lord Roden's Estate. Policy CH8 of the development plan seeks to protect such structures.
- The proposed removal of the southern boundary wall will not facilitate integration and will adversely affect the character of Carroll Mead and Pearse Park. The proposed development cannot meet open space requirements without the annexing of this long established open space.
- Demesne Road is heavily trafficked throughout the day. The traffic survey submitted is not a truly representative sample and is of questionable accuracy. The proposed visibility splays do not take account of the persistent parking of vehicles along the road. The veracity of the report's conclusions is questioned.
- The proposed development encroaches on the exclusion zone of the recorded monument – foundations and surface structures of the internal circulation road, parking spaces and residential unit no. 38. This contravenes policy CH7. Condition no. 14 is not robust enough and should be amended.
- The proposed development materially contravenes the Town Centre Mixed Use zoning objective, policy TC3, presents imposing and incongruous apartment blocks, fails to integrate with the existing residential areas and would directly overlook the dwellings on Demesne Road. The Board is requested to refuse permission on the grounds of the proposed development not being in keeping with the proper planning and sustainable development of the area.

### **8.3. Planning Authority Response**

- 8.3.1. The Planning Authority indicated that they had no further comment to make, directing the Board to the planner's report on file.

### **8.4. First Party Response to Third Party Appeals**

- 8.4.1. The First party responded to the two third party appeals with a planning report, a shadow analysis and an engineering report.

#### 8.4.2. Planning Report:

- The baseline data of the Town Centre Uses report is submitted. 515 no. ground floor business premises were surveyed, including those on Bridge Street, Park Street, Dublin Street and Linenhall Street. 103 no. were found to be vacant / derelict. All types of commercial uses were considered. The 20% vacancy rate indicates that the town centre has capacity to deliver additional functions and uses.
- Including additional non-residential uses would create an unviable scheme and may inhibit redevelopment of the town centre.
- The inclusion of a creche is required by policy HC28 and is good planning practice. There is no development plan requirement to justify a creche. Map submitted showing location of childcare facilities in Dundalk.
- The applicant's response to the Planning Authority's request for FI resulted in a higher density development that responds to the surrounding pattern of development. This required a compromise on height and location, whilst taking account of open space requirements.
- The appellants dwellings on Demesne Road are 53.6 and 66m from the proposed apartment blocks. At no point will overlooking of the dwellings occur. Diagram submitted.
- Overshadowing of the appellants dwellings will not occur, as shown by the submitted shadow analysis.
- The proposed development will increase the value of the appellants dwellings as it will involve the redevelopment of a vacant site, will enhance local open spaces and provide community facilities.
- Best practice for construction and demolition works will be employed. Condition no.s 16-18 require the site to be kept clean, which must be paid for by the applicant.
- The protection and retention of the historic boundary wall is proposed by the Applicant, in compliance with policy CH8 of the county development plan. This is reinforced in condition no. 11 of the Planning Authority's decision.



- The applicant will comply with the Planning Authority's construction hours.
- Light pollution will not occur. Disturbance during construction will be controlled by the Applicants Method Statement. The subject site is in an urban location and such activities are expected.
- In terms of accessibility, 4 no. bungalows are proposed as are 6 no. ground floor apartments and other upper floor units that are accessible by lift. The proposed mix of units is appropriate.
- Opening the site to Carroll Mead / Pearse park will be beneficial for existing and future residents. Planting, access and security details will be agreed with the residents of Pearse Park at final grant stage.
- The Carroll Mead dwellings face away from the existing open space. The proposed development involves the retention of all open space to members of the public with the inclusion of additional features such as seating, adult exercise equipment, playground and additional planting. The open space is in the ownership of the applicant therefore the allegation of annexing same is rejected. The opening up of this area will reduce anti-social behaviour.
- The proposed development complies fully with all building and fire safety regulations.
- The proposed density of 44.9 units per ha respects the wider residential area whilst also delivering a high quality scheme. This involves a greater site coverage.
- The proposed development brings community gain in the form of a creche, community & meeting room, open space, future access point and the redevelopment of an vacant brownfield site.
- The proposed car parking provision recognised the sites location and the need to provide car parking for those who require same.
- The Board is requested to recognise the strong case for granting permission for the proposed development.

#### 8.4.3. Engineering Report:

- At planning stage was proposed to create a staggered signalised junction. This was omitted at FI stage. The entrance previously functioned as a priority for the 131no. staff of Eircom. The current proposal is for a priority junction at a similar location.
- In relation to the appellants claim that only one day was used as the basis for the traffic survey, it is noted that an automatic traffic count was carried out from the 28<sup>th</sup> July to the 8<sup>th</sup> August. Therefore the surveys traffic count is a true representation of the traffic on Demesne Road.
- The TTA factored traffic to 2034. This showed that there is ample capacity (ratio of flow to capacity of 48%) to cater for the proposed development.
- An illustrative exercise showing saturation in 2034 requires an additional 932 no. vehicles added to the junction in the design year of 2034. Therefore the junction has reserve capacity.
- The author of the engineering report and the design engineer for the Scheme is a registered Road Safety Auditor with Transport Infrastructure Ireland.
- The parking of vehicles on Demesne Road slows traffic making the road safer.
- Adequate sightlines are provided. No accidents have been recorded at the junction.
- The existing junction on the Demesne Road is not being altered therefore the navigation of the junction by emergency vehicles will not be affected.

## 9.0 **Assessment**

9.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the prescribed body. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Design and Site Layout
- Density

- Mix of Residential Units
- Residential Amenity
- Open Space
- Roads and Traffic
- Other

## 9.2. Principle of Development

- 9.2.1. The core strategy of the Louth County Development Plan (table 2.2) lists Dundalk as a Level 1 Large Growth Town. The preferred development strategy of the plan is to achieve a critical mass in the large growth towns, with Dundalk noted (in table 2.4) as requiring 1,600 equivalent residential units by 2021. Table 2.6 lists the average density for Dundalk & Environs as 42 units per ha. Policy CS1 of the plan is “to promote the household and pop growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy”. As a starting point, the re-development of this vacant site within the town centre to provide for residential development in line with the County core strategy is a welcome move.
- 9.2.2. Assessing the proposed development against the more defined local development plan, the subject site is covered by two zoning objectives, as per Map1 of the Dundalk and Environs Development Plan 2009-2015. The majority of the site is zoned TCMU (town centre mixed use), with a narrow band along the southern boundary zoned RAO (recreation, amenity and open space).
- 9.2.3. The development plan states that the zoning objective the TCMU zone is to provide for mixed use development and that such developments should include residential, employment, services and community facilities (section, 2, chapter 4). Policy TC3 of the plan requires that “the provision of mixed use development in accordance with the permitted uses within this zone and to ensure that the residential component is not less than 20% or more than 80 % of the total floor area of the proposed development”. The ratio of use in the proposed development was raised by one of the appellants. They state that at 95:5% residential to non-residential uses the proposed development contravenes policy TC3 and therefore materially contravenes the zoning objective of the development plan. The Board will note that following the submission of FI, the ratio was changed to 96:4%

- 9.2.4. The applicant's planning report (section 6.1.1) addressed the issue, stating that the split is intentional. The report states that field research undertaken by the planning agent found a vacancy rate of 20% in the town and a vacant Carroll Village Shopping Centre 200m from the site. The applicant's submission is that this shows that any retail proposed on the subject site would fail the sequential test.
- 9.2.5. One of the appellants rejects this argument, stating that the basis for the field research was flawed, that it was too limited in scope and analysis. On the date of my site visit, I noted the empty Carroll Village shopping centre and the proximity of the site to the Long Walk shopping centre. I accept the applicant and the Planning Authority position that any retail in the proposed development would not comply with the retail strategy of the development plan. In terms of other non-residential uses, such as GP services, offices etc, the subject site is within 0.5km of the town centre where such services are well provided. I am satisfied that the proposed ratio of residential to non-residential uses is acceptable at this location.
- 9.2.6. The proposed development must be assessed against national guidance on residential development. Of relevance to the subject proposal are the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2015' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities. The principle of universal design is also advocated in order to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc. The proposed development is assessed against these criteria in greater detail below.

### 9.3. **Design and Site Layout**

- 9.3.1. A Design Statement was submitted with the application and states that the proposed design was developed with regard to the 12 criteria assessment as set out in the Urban Design Manual.

- 9.3.2. In terms of connectivity, the report refers to the shared surfacing throughout the site and the possibility of future connections to adjacent lands to the south. Visual connectivity and integration will be achieved through the removal of the southern boundary wall, opening up the site to Pearse Park and Carroll Mead. The pedestrian path running through this area of open space is well used and will be more actively supervised with the opening of the new houses onto this area.
- 9.3.3. Design for ability will be catered for in terms of design details at a later stage. In section 9.8.3 below, I note that the car parking spaces for disabled access have not been shown on layout plans, nor are they within easy distance of the proposed 4 no. bungalows. This can be addressed by way of condition.
- 9.3.4. The report provides details of how the proposed development has been designed to maximise efficiency in terms of biodiversity, solar gain and sheltered open spaces. The design considerations behind the layout and the architectural design of the development are presented, as well as how each dwelling complies with qualitative standards. The report outlines how the proposed development complies with the criteria indicators for public realm and privacy & amenity.
- 9.3.5. I am satisfied that the proposed development complies with the best practice guidance provided in the Urban Design Manual. In terms of car parking provision, I address this matter in greater detail in section 9.8 below.

#### 9.4. **Density**

- 9.4.1. The density of the proposed development was raised as a concern by the Louth Environmental Group. They submitted that the location of the “inner-urban city centre” site can accommodate higher density with a lower site coverage.
- 9.4.2. The subject site can be classified as a ‘brownfield site’ as per section 5.7 of the Sustainable Residential Development Guidelines, or perhaps as an infill residential development site in a town centre (section 5.9). Both classifications require re-development to higher densities whilst safeguarding the criteria of good planning (as set out in section 5.6 of the development guidelines). Section 5.8 of the guidelines recommend minimum net densities of 50 dwellings per hectare on sites within 1km of a rail station. The Clarke railway station – line to Dublin and Belfast – is approx. 1km walking distance of the subject site. On the site of 2.9ha, the proposed development

of 130 residential units (57 no. houses and 73 no. apartments / duplex units) results in a density of approx. 45 units per hectare.

9.4.3. Considering the proximity of the subject site to lower density development at Carroll Mead and Pearse Park, it is considered that a density of 45 units per hectare is appropriate. The subject site has the advantage of being large enough and discrete enough to be able to create a new sense of place, whilst respecting the pattern of development in wider residential area.

## 9.5. **Mix of Residential units**

9.5.1. In response to the request for further information, the mix of residential units in the proposed development was revised. The first plan proposed 84 no. houses in a mix of semi-d 4beds (8 no.), 3 bed terraced units (34 no.) 2 bed terraced units (38 no.) and 4 no. two bed bungalows and two seven storey apartment blocks with 12 one bed apartments and 26 no. two bed apartments (38 total).

9.5.2. The revised plan, as shown on drawing 1609-FI-003 proposes 57 no. houses, 36 no. units in three storey duplexes and 37 no. apartments in the following mix:

- 2 no. 4 beds semi-detached units
- 22 no. 3 bed terraced units
- 29 no. 2 bed terraced units
- 4 no. 2 bed bungalows
- 28 no. apartments (12 no. one bed and 16 no. two beds)
- 18 no. duplexes with two bedroom units at ground and first floor and 1 bed unit at the second floor. (total of 36 residential units)
- 6 no. one bed apartments over the proposed creche and
- 3 no. two bed units over the proposed creche building

9.5.3. The Board will note that the proposed duplex units are incorrectly marked as house type E on the site layout plan, drawing no. 1609-FI-003. The proposed duplexes are actually House type G.

9.5.4. Policy RES 12 of the County development plan seeks to ensure a mix of housing types and sizes to encourage sustainable balanced communities. This ties in with the Core Strategy of the plan which has identified the town centre consolidation area as a priority to contribute to the sustainable development of the town and the

prevention of unnecessary urban sprawl. The proposed development with a mix of terraced, semi-detached, duplex units, of varying sizes will provide for a balance of residents. This will facilitate greater diversity in the new neighbourhood whilst allowing for universal design. I am satisfied that the proposed development complies with policies RES 6 and RES 12 of the county development plan.

## 9.6. Residential Amenity

- 9.6.1. The appellants on Demesne Road state that the five storey apartment blocks will overlook their dwellings, their gardens and the rear of their houses, thereby reducing their residential amenity and devaluing their properties.
- 9.6.2. The proposed apartment blocks are approx. 55m from the rear elevations of the dwellings on Demesne Road. I am satisfied that this is sufficient to avoid overlooking of the Demesne Road dwellings by the proposed 5 storey blocks. However, I draw the Boards attention to the separation distance between the southern-most apartment block and the two storey dwellings: no.s 1-6. It is considered, that at 20m some overlooking of the two storey dwellings will occur from the upper floors of the apartment block. Should the Board be minded to grant permission, the possibility of moving the block westwards into 'Open Space 2' and providing an area of open space to the front of the block, should be considered by way of condition. It is considered that such a move would not only reduce the bulk and mass of the 5 storey structure in close proximity to two storey dwellings but would also introduce additional soft landscaping at the entrance to the development, without compromising the quality or quantity of open space provided. Overlooking of the rear gardens of no.s 31 to 28 would also be avoided by the moving of the block further west.

## 9.7. Open Space

- 9.7.1. The proposal to integrate the existing open space to the north of Carroll Mead into the subject development has been raised by one of the Appellants. In response to the request for further information, the development has been moved slightly northwards, leaving the treeline along this boundary intact. Drawing no. 1609-FI-003 states that the "*existing block wall is to be demolished to ground level (retaining element of wall to be retained) and built up as per boundary drawing where required.*"

*Existing root system of Alder and Ash trees being retained to therefore be undisturbed*". Drawing no. 1609-FI-004 is not as clear however, stating that the "existing concrete block retaining wall and foundations to be retained as necessary on this line to form base for new boundary walls as shown." Further, drawing no. C01 (road levels and finished floor levels) shows a 0.215 wide block wall running along this boundary. It is considered crucial that the proposed development is integrated with the existing open space and residential development at Carroll Mead and that this boundary between the two areas is treated sensitively. It is considered that this can be clarified by way of condition, should the Board decide to grant permission.

#### **9.8. Roads and Traffic**

- 9.8.1. One of the Appellant questions the veracity of the submitted traffic report, stating that Demesne Road is heavily trafficked and that a field survey of only one day is not representative.
- 9.8.2. I note that compliance with DMURS formed part of the request for further information and that the applicants' response was considered acceptable to the Infrastructure Office of the Planning Authority.
- 9.8.3. The legend for drawing no. 1609-FI-003 states that 156 no. car parking spaces and 20 no. cycle spaces are proposed. I note that the proposed cycle spaces are not shown on the layout plan, nor are the proposed disabled access spaces. The plan shows 163no. car parking spaces, most of which are in linear format in front of the proposed dwellings. Two rows of spaces (7 no. and 13 no.) are located immediately adjacent to the proposed creche and one of the proposed apartment blocks. No details of how designation or control of spaces is to occur have been provided. Given the traditional suburban layout of the proposed development, it is considered likely that if no controls are in place, most of the dwellings will occupy two spaces immediately in front of their house. This issue is not considered material however. Should the Board decide to grant permission, a condition requiring further attention to car parking provision and control can be attached.
- 9.8.4. In their appeal, the Louth Environmental Group state that the proposed car parking provision is excessive for the location of the subject site. Section 7.3.9.1 and Table 7.6 of the Louth County Development Plan state that sites located within town and



settlement centres (area 1) shall provide 1 car space per dwelling and apartment, 1 space per 6 children in a creche and 1 space per 20 seats in a community space.

9.8.5. I note section 6.5 of the planning report states that 16 no. spaces are provided for the creche / community building. Presuming a 44sq.m. room accommodates 20 seats, that leaves 15 no. spaces for the proposed creche. This equals a creche building of 90 children, which seems excessive given the floor plan shown on drawing no. 1609-Planning Authority-100-E2.

9.8.6. Compliance with the development plan standard results in a requirement of approx. 131 – 145 car parking spaces, pending clarification of the accommodation of the proposed creche. At 163 no proposed spaces, the plan is currently far exceeding the standard of the development plan. The over-provision of car parking in a town centre site, within 1km of a train centre contravenes the spirit of providing sustainable higher density development in line with the guidelines for Sustainable Residential Development in Urban areas. This is a matter than can be satisfactorily addressed by way of condition however, should the Board decide to grant permission.

## 9.9. Other

9.9.1. **Archaeology:** the protection of the recorded monument (souterrain LH007:105) located within the site was raised by the Planning Authority at FI stage. The applicant responded to the request with an Archaeological Impact Assessment. The AIA notes that the subject site is to the west of the Zone of Archaeological potential for Dundalk and that the surrounding landscape is rich in recorded monuments. The report states that the proposed development would directly impact the souterrain and recommends that a programme of archaeological assessment comprising geophysical survey followed by test trenching. I am satisfied that the proposed measures comply with policies HER 20 and 21 of the Louth County Development plan, both of which seek to protect archaeological site and monuments.

9.9.2. I note the Landscape Design Report submitted with the application which states that the self-seeded ash and sycamore and perennial plants on the existing mounded structure of the souterrain will be removed and replaced with lower maintenance shrubs and a small proportion of perennial plants.

9.9.3. **Proposed Community Room:** I share the concern of the appellant that at 44sq.m. the proposed community room (see drawing no. 1609-Planning Authority-100-E2)

the usability of the space is questionable. Access to the proposed space is through the creche – a building where unrestricted access cannot be allowed. Double doors are shown from the proposed community room directly onto the open space of the creche, again a space where unrestricted access to anyone other than the staff and minors being cared for in the creche cannot be allowed. The applicant should be directed to incorporate the space into the proposed creche or revise the proposed building to omit the community room. This can be achieved by way of condition should the Board be minded to grant permission. I do not consider the loss of 44sq.m. of non-residential space to be detrimental to the ratio of residential to non-residential space, given the small floor area involved and the accepted circumstances for breaching the recommended ratio of policy TC3.

## **10.0 Appropriate Assessment**

- 10.1.1. The subject site is located 0.7km from Dundalk Bay SPA (4026) and 1.2km from Dundalk Bay SAC (0455).
- 10.1.2. An AA Screening Report was submitted with the application. The report states that the only habitat on the existing site is an old garden strip along the northern edge which is overgrown with trees, bushes and hedges and a hedge and grassland band along the southern site boundary. The screening report lists the qualifying interests and the conservation objectives for Dundalk Bay SPA and SAC. In terms of likely effects, the report states that the site does not hold any of the habitats or species for which the Natura sites are designated so there are no direct effects from the proposed development. As there is no watercourse linking the site and the designated sites, indirect effects from the construction stage are considered unlikely as “material would have to be carried by local storm drains in huge amounts or be particularly toxic to have even a local influence on Dundalk Bay or its bird life” The conclusion of the report is that the project is not likely to have a significant negative effect on the Natura 2000 sites in Dundalk Bay or elsewhere and therefore a stage 2 NIS is not required.
- 10.1.3. There is no direct source-pathway-receptor link between the subject site and the Dundalk Bay SAC (000455), which is described by the NPWS as a large bay-like estuarine complex flowing through Dundalk town. The qualifying interests for the site are as follows:

- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1220 Perennial vegetation of stony banks
- 1310 Salicornia and other annuals colonizing mud and sand
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)

10.1.4. The Dundalk Bay SPA (004026), which according to the NPWS supports the largest concentration of wintering waterfowl on the east coast (regularly in excess of 20,000 wintering waterfowl). The qualifying interests for the SPA are as follows:

- A005 Great Crested Grebe *Podiceps cristatus* wintering
- A043 Greylag Goose *Anser anser* wintering
- A046 Light-bellied Brent Goose *Branta bernicla hrota* wintering
- A048 Shelduck *Tadorna tadorna* wintering
- A052 Teal *Anas crecca* wintering
- A053 Mallard *Anas platyrhynchos* wintering
- A054 Pintail *Anas acuta* wintering
- A065 Common Scoter *Melanitta nigra* wintering
- A069 Red-breasted Merganser *Mergus serrator* wintering
- A130 Oystercatcher *Haematopus ostralegus* wintering
- A137 Ringed Plover *Charadrius hiaticula* wintering
- A140 Golden Plover *Pluvialis apricaria* wintering
- A141 Grey Plover *Pluvialis squatarola* wintering
- A142 Lapwing *Vanellus vanellus* wintering
- A143 Knot *Calidris canutus* wintering
- A149 Dunlin *Calidris alpina* wintering
- A156 Black-tailed Godwit *Limosa limosa* wintering
- A157 Bar-tailed Godwit *Limosa lapponica* wintering
- A160 Curlew *Numenius arquata* wintering
- A162 Redshank *Tringa totanus* wintering
- A179 Black-headed Gull *Chroicocephalus ridibundus* wintering

- A182 Common Gull *Larus canus* wintering
- A184 Herring Gull *Larus argentatus* wintering
- A999 Wetlands & Waterbirds

10.1.5. The conservation objectives for both sites are to maintain or restore favourable conservation condition of each the qualifying interests. I am satisfied that no likely significant impact will arise for estuaries (map 2 of the NPWS Conservation Objectives), mudflats and sandflats (map 3), marine community types (map 4), and saltmarsh habitats (map 5) given the distance between the subject site and the location of the qualifying interests as shown on maps 2 – 5 of the NPWS Conservation Objectives for Dundalk Bay SAC. I am satisfied that significant effects on the conservation objectives for the qualifying objectives of the SPA can reasonably be ruled out due to the separation distance between the subject site and the bird use zones (map 6) and the nature of built up urban development between the two.

10.1.6. It is reasonable to conclude that 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 European Site No.s 4026 and 00455, 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.

## 11.0 Recommendation

11.1. I recommend permission be GRANTED subject to the following conditions:

## 12.0 Reasons and Considerations

12.1.1. Having regard to the location of the subject site within the Town Centre of Dundalk, a priority development area as shown on the Core Strategy Map of Dundalk and Environs Development Plan 2009-2015, the policy of the Core Strategy of Louth County Development Plan 2015-2021 to prioritise sustainable development at appropriate locations within Dundalk as one of the economic drivers for the County, the Town Centre Mixed Use zoning of the majority of the subject site, the stated

objective of which is to provide for mixed use development, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May 2009, to the pattern of development in the area and to the overall scale, design and layout of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 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 5th day of September, 2017, 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. Prior to the commencement of development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. The plan shall provide for the following:
  - a) a maximum car parking provision of 145 no. car parking spaces
  - b) the reservation of car parking facilities solely to serve the proposed development. One clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any purpose, including for use in association with any other uses of the development

hereby permitted, unless the subject of a separate grant of planning permission.

c) details of how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

d) the location of disabled access car parking, at least 4 no. of which shall be located within close proximity of the proposed 4 no. single storey dwellings (unit no.s 16, 17, 36 and 37)

e) the location of cycle parking spaces

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the proposed creche development.

3. That prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority, a revised site layout plan showing the relocation of the southern most apartment block E1, as shown on drawing no 1609-FI-003, westwards into the proposed 'Open Space 2' and the provision of an area of open space to the front (east) of the relocated apartment block.

**Reason:** In order to prevent overlooking of proposed residential units no. 1-6 by the proposed apartment block.

4. That prior to the commencement of development, details to be submitted to and agreed in writing with the Planning Authority, shall show the ground floor of the proposed community creche building revised to incorporate the 44sq.m. proposed community room into the proposed creche, and for use solely by the creche.

**Reason:** In the interest of facilitating the orderly operation of the proposed community creche

5. Proposals for an estate/street name, house 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 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 orderly development.

6. Water supply and drainage arrangements, including the 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 ensure a proper standard of development.

7. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure a satisfactory standard of development.

8. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

9. Public lighting shall be provided in accordance with a scheme, details of 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 house.

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

10. The landscaping scheme shown on drg. no. 169-DD-01, as submitted to the planning authority on the 5th day of September, 2017 shall be carried out within the first planting season following substantial completion of external construction works.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 interest of residential and visual amenity.

11. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority, details of the proposed southern boundary. This shall include boundaries between rear gardens and boundaries to the proposed 'open space 3' as shown on drawing no. 169-DD-01.

**Reason:** In the interest of residential privacy.

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 prior to commencement of development. This plan shall provide details of intended construction practice for the



development, including hours of working, noise management measures and off-site disposal of construction/demolition waste

**Reason:** In the interest of the proper planning and sustainable development of the area.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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).

15 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 space 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.

16. 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.

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Gillian Kane

Senior Planning Inspector

22<sup>nd</sup> February 2018