



An
Bord
Pleanála

1.

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-301910-18

Strategic Housing Development	Residential development consisting of 159 no. residential units and provision of creche.
Location	Old Golf Links Road and Tuite's Lane, Blackrock, Dundalk.
Planning Authority	Louth County Council
Prospective Applicant	McCaughey Homes Ltd.
Date of Consultation Meeting	26 July 2018
Date of Site Inspection	11 July 2018
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The development site has a stated site area in the application form of 4.8ha located within Blackrock, Dundalk, Co. Louth. The lands are bounded by a graveyard to the south-west, and residential lands to the other boundaries. Tuite's lane, a narrow country lane is located west of the lands from which it is proposed to have a pedestrian access into the development site. The main access to the site is proposed from the existing Cois Farrage development east of the site.
- 2.2 The applicant is proposing a residential development comprising of 159 residential units and a childcare facility.

The unit mix is as follows:

Unit Type	No. of Units
Apartments	44
2 bed	43
3 bed	1
Residential Units	115
2 bed	13
3 bed	82
4 bed	20

3.0 Planning History

There does not appear to be any planning history associated with the development site.

File ref. No. 05/1061 Permission granted for 43 dwellings comprising a mix of semi-detached and detached units. The details submitted by the applicant indicate that this residential development known as Cois Farrage to the south-east was originally built by the applicant and they retain control of the estate roads. Access to the development site is proposed via this development.

4.0 National and Local Planning Policy

4.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2. Local Policy

4.2.1 The Louth County Development Plan 2015-2021 provides the overarching strategic framework for the County. The Dundalk and Environs Development Plan 2009-2015 as extended is the statutory plan for the area. Chapter 6 deals with Housing and Community Facilities.

Variation No. 1 to the Dundalk & Environs Development Plan 2009-2015 introduced a Core Strategy which provides a phasing arrangement for the release of residential lands. The development lands are identified as being within Phase 2 and as such the following policy is of relevance.

Policy CS2 “to apply the phasing of new residential development, other than infill, brownfield or mixed-use development shall only be permitted in the identified area within Phase 1. Only on completion of the development of 75% of these lands shall subsequent phasing be considered for additional residential development”.

5.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

5.1 Documentation Submitted

5.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

5.1.2 The information submitted included *inter alia*: a completed Application form and cover letter including Irish Water Letter; Statement of Consistency; Planning Report; Statement of Compliance with Principles of Universal Design; Arboricultural Report; Natura Impact Statement; Archaeological Assessment; Services Report; Flood Risk Assessment; Traffic and Transport Assessment; Design Statement; Part V; A3 Drawings Booklet; and Drawings.

5.1.3 I have reviewed and considered all of the documents and drawings submitted.

5.2 Planning Authority Submission

5.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18 July 2018.

5.2.2 The planning authority's opinion included the following matters:

- Discrepancies are noted within the planning application in relation to the total number of units proposed. The Planning Authority use the figure of 159 units for the purposes of their assessment.
- **Planning Policy** – Proposal is generally consistent with relevant planning guidelines and the aims of the objectives of the NPF. The site is identified in the Dundalk Town Plan as being 'residential 1'. Development is consistent with the zoning objective. Variation no. 1 to the Dundalk and Environs Development Plan as extended introduced a core strategy providing a phasing strategy for the promotion of brownfield and infill development. The subject site is located within Phase 2. However, it is considered that the applicant has demonstrated through the evidence provided within the Statement of Consistency that there is a need for housing in the area of Blackrock. There are active development proposals on phase 1 lands within Dundalk. LIHAF funding is in place for infrastructural improvements that will help release lands within Phase 1.

- **Details of proposed design** – The two-storey context together with the range of unit types proposed is in keeping with the surrounding pattern of development. The site in close proximity to the village of Blackrock and pedestrian permeability connecting Old Golf Links Road and Tuite’s Lane is proposed. The layout provides passive surveillance of public areas by dwellings. A sense of place is created by providing a vista to the existing graveyard. The open space along the stream also adds to the sense of place.
- **Part V** – Agreement is in place with the housing section.
- **Density** - The site provides a density of 34.8ha which is acceptable.
- **Housing Mix** – Proposed mix is consistent with Policy HC3 of the Dundalk Environs Development Plan.
- **Residential Amenity** – Re-design of apartment balconies F5 and F6 required. Clarification of design of communal bin area to rear of apartment Block F5 required. Cycle parking spaces required to accord with sections 4.15-4.17 of the Sustainable Urban Housing Guidelines. With regard to the housing units the design and proposed materials are considered generally acceptable. Details of the pedestrian link to Tuite’s Lane have not been provided.
- **Car parking** – The level of car parking spaces is considered to be acceptable in the context of dual usage, demand management and sustainable development principles.
- **Open Space** – The overall area of the public open space is welcomed however the qualitative standards could be improved having regard to section 4.18 of the Sustainable Residential Development in Urban Areas. Appropriately designed public lighting for the areas of public open space shall be required. The comments of the Council’s infrastructure engineers are significant in terms of the linkage between the SuDS measures and the landscape design.
- **Crèche** – Applicant should clarify the number of childcare spaces available and the age of child being catered for together with opening days/hours.
- **Movement and Transport** – The infrastructure section has no objection in principle subject to addressing the concerns raised within the internal report.
- **Drainage and Flooding** – No comments in relation to flooding

- **Archaeology** - An archaeological assessment has been submitted. The planning authority concur with the findings and would condition the recommendation that all topsoil stripping is archaeologically monitored.
- **Appropriate Assessment** – A NIS has been submitted and is considered consistent with Policy CH3.
- **Audit of Existing Community Facilities** – The applicant has provided an assessment within the Statement of Consistency and it is considered that there are sufficient facilities in the area.
- **Conclusion** – It is the opinion of the planning authority that the proposal notwithstanding the phase 2 designation in the core strategy is substantially in compliance with the relevant objectives of the Dundalk and Environs Development Plan.

5.3 Submission from Irish Water

A submission was received from Irish Water and is available on file. In summary, the submission states that a Confirmation of Feasibility for this development issued and Irish Water must carry out capital works to the Blackrock wastewater treatment plant. This project is on Irish Water's Capital Investment Plan and is scheduled to be complete by the end of June 2019. Third Party consents will be required for the treatment plant upgrades.

5.4 Response from National Monuments Service

A response to a request from the Board under Section 6(10) of the Act of 2016 was received from the National Monuments Service (NMS) of the Department of Culture, Heritage and the Gaeltacht. In summary, the response welcomes the documentation submitted at this stage accompanied by an Archaeological Assessment Report. The NMS concur with the conclusions of the Archaeological Assessment Report that full excavation of the enclosure and related material will be required to be carried out in advance of commencement of construction works and that archaeological monitoring would be appropriate with regard to other groundworks necessitated by the development.

Consultation Meeting

- 6.1 A Section 5 Consultation meeting took place at the offices of Dundalk Town Council on 26 July 2018, commencing at 11.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.2 The main topics raised for discussion at the tripartite meeting were as follows:
1. Core Strategy and release of phase 2 lands
 2. Waste water treatment plant capacity
 3. Urban design to include layout, density, unit typology and mix, residential amenity.
 4. Connectivity and permeability through the site and wider area
 5. Any other matters
- 6.3 In relation to the Core Strategy and release of Phase 2 lands, ABP representatives sought further discussion/elaboration on the provisions of the development plan with regards the release of lands identified as Phase 2.
- 6.4 In relation to waste water capacity, ABP representatives sought further discussion/elaboration on the current capacity of the Blackrock waste water treatment plant and clarity as to whether the Blackrock WWTP is intended to be upgraded or de-commissioned.
- 6.5 In relation to Urban Design including layout, density, typology and mix, residential amenity, ABP representatives sought further elaboration/discussion on the urban design response having regard to the 12 criteria in the Urban Design Manual, site-specific characteristics and how they contribute to the sense of place within the proposal, need to ensure a qualitative built environment and provision good quality residential amenity including a suitable mix of unit types.
- 6.6 In relation to Connections and Permeability, ABP representatives sought further discussion/elaboration on compliance with DMURS, street hierarchy, provision of

cycle paths and pedestrian routes through the scheme, provision of connections up to boundaries of site.

6.7 In relation to AOB, ABP representatives sought further elaboration/discussion on Part V agreement, Site Flood Risk Assessment and surface water management proposals, Documentation to be submitted with application such as Building Life Cycle report for the apartments and need for consistency between all documents/information submitted with any application.

6.8 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-301910-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.

7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.

7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that

the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Core Strategy

Further consideration/clarification of the documents as they relate to the rationale for the proposed release of Phase 2 lands having regard to the provisions of Policy CS2 of the County Development Plan which provides that only on completion of the development of 75% of Phase 1 lands shall subsequent phasing be considered for additional residential development. An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically address any matter that maybe considered to materially contravene the said plan should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

2. Waste water infrastructure constraints

Further to Item no. 1 above, consideration/clarification of the documents as they relate to the proposed release of Phase 2 residential lands having specific regard to the existing constraints of the Blackrock waste water treatment plant and that the proposed development may be considered premature having regard to the submission from Irish Water dated 17 July 2018 received by An Bord Pleanála indicating that this project is on Irish Water's Capital Investment Plan and that planning permission is required for such works.

3. Urban Design and Form

Further consideration of documents as they relate to the urban design and form of the proposed residential development having regard to, inter alia, the 'National Planning Framework, 2040', the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' including the accompanying 'Design Manual' and the 'Design Manual for Urban Roads and Streets'. Consideration should be given to national and local policies for new residential developments to create compact urban places which, *inter alia*, are attractive with active streetscapes and offer good quality residential amenity for future residents. Further consideration should be given to the overall density including height of the proposed units having specific regard to the size of the site

and proximity to local social and community infrastructure. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Unit Mix, Typology and Residential Amenity

Further consideration of documents as they relate to the proposed unit mix, typology and provision of qualitative residential amenity for future occupants of the proposed residential units in particular the apartment units. A Housing Quality Assessment report should accompany any application demonstrating how residential units comply with, *inter alia*, Apartment Design Standards and in particular the provision of adequate storage areas and minimum aggregate bedroom floor areas. Specific regard should be given to the provisions of section 6.0 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

5. Green Infrastructure

Further consideration/clarification of documents as they relate to the provision of green infrastructure within and adjoining the site and the inter-relationship of this infrastructure such as, *inter alia*, the archaeological and cultural value of the adjoining graveyard and creation of key vistas to the recorded monument, the functional and aesthetic value of the stream and how it creates a sense of place within the scheme, creation of a hierarchy of qualitative open spaces and incorporation of SuDS measures into the proposed development. Consideration should also be given to the accessibility, passive surveillance and level changes across the public open space areas. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings/apartment blocks, access roads including any bridging over the stream and public open space areas. Photomontage images and cross sections should be provided indicating the proposed units relative to the graveyard.
2. A site-specific flood risk assessment that adequately addresses the potential for displaced waters including any bridging over the stream as a result of the proposed development. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). The prospective applicant is advised to liaise with the planning authority regarding surface/storm water proposals prior to making an application.
3. Details of undergrounding or re-routing of any overhead ESB power or other utility lines or existing underground services located within the site.
4. A site layout plan indicating the full extent of any existing and/or proposed way leaves within the site.
5. A site layout plan indicating pedestrian and cycle connections through the development lands and any proposed future potential links. All potential future links should be provided up to the boundary of the site.
6. A phasing plan for the proposed development should be provided. The phasing arrangement should provide for attenuation proposals which are independent of each subsequent phase.

7. Landscaping proposals including an overall landscaping masterplan for the development site including the public open space. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted.
8. A site layout plan which clearly indicates what areas, including any pedestrian and cycle routes/connections, are to be taken in charge by the Local Authority.
9. Details in respect of the proposed childcare facility including inter alia, the approximate number of children and staff and type of childcare facility to be provided.

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Heritage Council
3. Department of Culture, Heritage and the Gaeltacht
4. An Taisce – the National Trust of Ireland
5. Inland Fisheries Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

14th August 2018