



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-303253-18

Strategic Housing Development

166 residential units, creche,
completion of street network and link
roads and associated site works.

Location

Old Golf Links Road and Tuite's Lane,
Blackrock, Dundalk, Co. Louth.

Planning Authority

Louth County Council.

Applicant

McCaughey Homes Ltd.

Prescribed Bodies

Irish Water.

Department of Culture, Heritage and
Gaeltacht (DAU).

The Heritage Council.

An Taisce.

Inland Fisheries Ireland.

Observer(s)

Una Delaney.
Robert Murphy.
Ruth Reilly and Ronan Healy.
Terry and Briege Conlon.
Marion Campbell.
Michael O'Keeffe.
Paul and Olivia Malone.
Residents of Tuite's Lane.
Juliet Clarke.
Liam Geoghegan and Jo Rowley.
Mairead Norton.
James McConnell.
John Horan.
Daniel and Bernadette Deery.
Eileen and Aslam Jallali and others.
Cois Farrige Residents.
Conor and Liana Lally.
Charles and Marie Sheppard.

Date of Site Inspection

14 March 2019.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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 cul-de-sac lane is located north 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 Ferraige development south east of the site.
- 2.2. A watercourse known as the Blackrock Stream bisects the site in a north west to south easterly direction. The stream is open and culverted for a part of the mid-section of the site that allows access between former agricultural fields.
- 2.3. A large former field to the western portion of the site exhibits former construction activity in the area. There is a large spoil heap, much overgrown, located in the northern portion of this field. There is an area of damp ground located along the boundary of this field with properties along Tuites Lane. The remainder of the site is composed of two large fields east of the Blackrock Stream and at a slightly higher level. Though, levels across the site are more or less uniform, the lower lying areas are located adjacent to stream.

3.0 Proposed Strategic Housing Development

The proposed development is the construction of 166 dwellings, the detail comprises:

- 22 four bedroom houses – (13%)
- 66 three bedroom houses – (39%)
- 11 two bedroom houses – (8%)
- 1 one bedroom apartment - (1%)

- 49 two bedroom apartments - (29%)
- 17 three bedroom apartments - (10%)
- A childcare facility for 40 children – 250 sqm.

The provision of landscaping, amenity areas and play areas.

Improved pedestrian facilities on the Old Golf Links Road.

Re-grade and re-profile the Blackrock Stream and provide an additional crossing with a pedestrian bridge.

The stated total site area is 4.8 Hectares. Residential density is stated as 37 dwellings per Hectare.

4.0 Planning History

Subject site

None.

Nearby Sites:

File ref. No. 05/1061 - Permission granted for 43 dwellings comprising a mix of semi-detached and detached units.

5.0 Section 5 Pre-Application Consultation

- 5.1.1. A section 5 pre-application consultation took place at the offices of Dundalk Town Council on the 26 July 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-301910-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:
- 5.1.2. Core Strategy - A statement that addresses the release of phase 2 lands, only after 75% of phase lands have been developed.

- 5.1.3. Waste Water Infrastructure Constraints – in addition to phasing highlighted above, details of how to overcome existing constraints at the Blackrock waste water treatment plant.
- 5.1.4. Urban Design and Form – address the overall density of the site and unit height.
- 5.1.5. Unit Mix, Typology and Residential Amenity – address the adequate provision of storage areas and minimum bedroom floor areas.
- 5.1.6. Green Infrastructure – a landscape strategy that integrates the stream and proximity of the graveyard and the opportunities for the creation of a sense of place.
- 5.1.7. In addition, the applicant was advised of specified information to be submitted with the application under articles 285(5)(b) and 298(1) of the Regulations, a summary of which is as follows:
- Photomontage images and cross sections to show relationships between proposed dwellings/apartment blocks relative to the stream and graveyard.
 - Flood Risk Assessment, with specific reference to the potential for displaced waters including any bridging over the stream.
 - Details of the undergrounding and re-routing of cables.
 - Site layout to show full extent of wayleaves.
 - Site layout to show pedestrian and cycle connections through the site and any potential future links.
 - A phasing plan, showing attenuation details independent from each phase.
 - Landscape plan.
 - Council taking in charge layout.
 - The number of children and staff attending the proposed childcare facility.
- 5.1.8. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
1. Irish Water
 2. Inland Fisheries Ireland
 3. The Heritage Council

4. Department of Culture, Heritage and the Gaeltacht (Development Applications Unit, Wexford)
5. An Taisce – the National Trust of Ireland

5.2. Applicant's Statement Under Article 297(3)

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

- 5.2.1. Core Strategy – the applicant refers to their statement in relation to a material contravention of the plan. There has been a lack of development of the Phase 1 lands and this is unlikely to change in the short to medium term. The Board can grant permission in light of the criteria set out in section 37(2)(b)(ii) and (iii) of the 2000 Act, in terms of the national and regional objectives for Dundalk. Notwithstanding Policy CS2 restricting development of phase 2 lands, the proposed development is consistent with all other objectives of the plan. The subject proposal will not undermine the development of phase 1 lands, where active proposals are now underway.
- 5.2.2. Waste Water Infrastructure Constraints – Irish Water correspondence dated 5 November 2018, states that upgrade works are underway to address waste water constraints at the Blackrock waste water treatment plant. The works will be completed by quarter 1 in 2019. The Draft Water Services Guidelines are quoted and this enables the Board to grant permission, as the upgrade works will be completed shortly.
- 5.2.3. Urban Design and Form – Revised drawings, design statement and a landscape plan have been prepared. The density of the scheme has increased to 37 units per hectare and three apartment blocks now overlook open space. The scheme meets a number of national policy objectives.
- 5.2.4. Unit Mix, Typology and Residential Amenity – The proportion of apartments has increased to 40% of the overall scheme and the number of 2 bed or small 3 bed houses has increased.
- 5.2.5. Green Infrastructure – The scheme seeks to optimise the historic context of the site, but cannot provide direct access to the graveyard other than a visual corridor. The

central public open space is now more clearly defined and provides a play area overlooked by apartments.

5.3. Applicant's Statement in relation to material contravention, is briefly outlined as follows:

- The development of phase 1 lands are progressing, in terms of the increased likelihood of road improvements (Part 8 and LIHAF funding) in the area and extant permissions. The applicant believes that over the coming years and at best, phase 1 lands will only deliver 30%, well below the 75% threshold before moving onto phase 2 lands. If the Board considers that the proposed development would materially contravene Policy CS2 of the plan, the applicant sets out that the development will meet national and regional objectives, thus meeting the criteria set out in section 37(2)(b)(ii) and (iii) of the PDA 2000.

6.0 Relevant Planning Policy

6.1. National Policy

Project Ireland 2040 – National Planning Framework

6.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- National Planning Objective 13 provides that "in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality

outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.2. Section 28 Ministerial Guidelines

6.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (2018)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (2018)
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities – Guidelines for Planning Authorities’ (2001)

Other relevant national guidelines include:

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

6.3. Development Plan

6.3.1. The **Louth County Development Plan 2015-2021** provides the overarching strategic framework for the County. The **Dundalk and Environs Development Plan 2009-2015** (DEDP) as extended is the statutory plan for the area. Chapter 6 deals with Housing and Community Facilities. The site is zoned ‘Residential 1’ – the objective of which is to provide and improve existing residential amenities and to provide for infill and new residential developments.

6.3.2. 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.

6.3.3. 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”.

Map 1 of the DEDP shows that the site is located in zoning objective Residential 1 - To protect and improve existing residential amenities and to provide for infill and new residential developments.

Map B (Variation 1) shows that the site is located on lands subject to Phase 2.

Map 2 of the DEDP highlights protected trees (TP66), protected views (V13 - Views of the Cooley Mountains from the car park at St. Fursey’s Church, Haggardstown) and a proposed cycle route, all in the vicinity of the site.

6.4. **Applicant’s Statement of Consistency**

6.4.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application.

6.5. **Designated Sites**

6.5.1. There are five European sites within 15 kilometres of the site, Dundalk Bay SAC: Site Code 000455; Dundalk Bay SPA: Site Code 004026; Strabannon-Braganstown SPA: Site Code 004091; Carlingford Mountain SAC: Site Code 000453; and Carlingford Shore SAC: Site Code 002306.

6.5.2. A Natura Impact Statement (NIS) was submitted with the application, that concludes based upon the implementation of all environmental safeguards and mitigation measures, the project will not have the potential to result in likely significant effects to the integrity and conservation status of European Sites occurring in the wider area of the site, either alone or in combination with other plans or projects.

7.0 Observers Submissions

7.1. A large number of individual residents along Tuites Lane have concerns with regard to the proposed development and the impact on their property. Their individual submissions are supported by those of a Planning Consultant and are itemised and summarised below:

- The proposed development is out of character with the area, does not take any design cues from existing development and is too dense. The development is contrary to the aims of the development plan in terms of phasing and will limit the consolidation of Dundalk. There is already a large amount of housing permissions already granted in the area and some of these are under construction.
- Tuites Lane, a private laneway, is not designed to take additional pedestrian and cyclist traffic. Given that the laneway is private, permission is required to open it up for access. There are insufficient sightlines at the junction of Tuites Lane with Old Golf Links Road. A lack of street lighting will lead to security issues.
- The loss of wild life will result from development of the site and not enough public open space has been provided. The use of the church and graveyard as a public amenity is not acceptable. Some open spaces are not well overlooked and access laneways to the rear of terraces are not supervised at all.
- Proposed development will lead to overlooking and loss of privacy, in particular apartment block H2 is highlighted.
- The number of new entrances onto Old Golf Links Road will be dangerous, given that there are no footpaths in the area. In addition, the golf course uses Tuites Lane for deliveries adding to the potential for dangerous traffic conditions.
- The development will lead to traffic congestion in the area and the Traffic and Transport Assessment lacks detail.
- Drainage could be affected, in terms of flooding to the laneway and property. Other more suitably zoned sites in Dundalk are not prone to flooding and

should be developed first. The Flood Risk Assessment relies on a tenuous third party maintenance regime and is wholly inadequate.

- No consultation has occurred in relation to the diversion of sewers and no legal consent has been given.
- The drawings submitted, do not adequately detail existing houses in the vicinity.
- Boundary treatments as proposed are considered inadequate.

7.2. A resident of Hamilton Drive has concerns with regard to the proposed development and the impact on their property, these are summarised below:

- The proposed development contravenes the development plan.
- Apartment blocks will result in loss of direct sunlight and create issues of overlooking and loss of privacy.
- An Environmental Impact Assessment should be carried out.

7.3. A large number of residents from the existing development at Cois Ferraige have lodged a joint submission that relate to similar or connected issues and these are as follows:

- The density of the development is too high and should accord with the Louth County Development Plan that states 30+ units per hectare should only be considered for more centrally located areas.
- The existing road network in the area is in no condition to accommodate the level of new traffic that will be generated by the development. There is a lack of proper road surfacing, street lights and footpaths.
- The amount of car parking and the limited road width in the existing Cois Ferraige development is very problematic. The proposed development lacks sufficient car parking spaces and will lead to car parking problems.
- Three storey buildings will lead to overlooking and loss of privacy to existing houses, block H3 is cited.

- The public open space strategy for the proposed development does not reflect existing development in the area. The quantum of proposed open space will lead to new residents looking elsewhere for amenity.
- There are not enough or adequate local services to support the proposed development, schools are oversubscribed and the Garda station may close soon. The proposed crèche is welcomed but coming late in the phasing strategy is not ideal and its location will lead to traffic congestion.
- There is very limited public transport in the vicinity of the site and this will lead to greater car dependency.

7.4. Blackrock Tidy Towns is concerned about the proposed density of development and the impact it will have on the community. There is concern at the inadequacies of the existing infrastructure and its ability to absorb so much new development.

7.5. I have considered all of the documentation included with the above third-party submissions.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 22 February 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of relevant elected members of the Municipal District of Dundalk held on the 5 February 2019, and is outlined as follows:

- Increased demand on the infrastructure of the area.
- Footpath and the condition of the Rock Road were highlighted, in light of anticipated funding under the Town and Village Renewal Scheme.
- The proposed scheme is welcomed and the design of internal roads is anticipated to lead to slower traffic speeds and safer driving.
- Pedestrian access to Tuite's Lane, the issue of rights of way and taking in charge were raised.

- Constraints associated with the Blackrock WwTP.
- The proposed development is not in accordance with the core strategy of the CDP, phase 1 lands should be development first.
- Issues raised in relation to the developer's track record on completion of developments and compliance with planning conditions.

An additional meeting held on the 18 February 2019 revisited the issues outlined above.

8.2. The following is a summary of issues raised in the assessment section of the planning authority report:

- Policy Context – the proposed development, on zoned and serviced land, is in line with the objectives of the National Planning Framework and the relevant national guidelines on residential development.
- Local Policy Context – the proposed development is consistent with the zoning objectives of the Dundalk and Environs Development Plan (DEDP).
- A discrepancy in the number of units proposed is highlighted and the planning authority have based their assessment on a total of 159 units.
- Core Strategy – the site is located on lands designated as Phase 2, the core strategy favours the development of Phase 1 lands first. The planning authority agree with the submission made by the applicant in their statement of consistency. Given the changed demographic environment, economic situation and demand for housing, the proposed development of Phase 2 lands is acceptable. In addition, the viability and ongoing development of Phase 1 lands will not be impacted upon.
- Spatial Strategy – the proposed development accords with the Blackrock/Haggardstown area of the DEDP.
- In terms of layout, density and housing mix, the proposed development will be consistent with Policy HC3 of the DEDP.
- Residential Amenity - A number of design amendments are recommended together with greater clarity in relation to roofing of bin stores and correct labelling of bicycle storage. Some house types do not meet the standards

suggested by the Quality Housing for Sustainable Communities (2007), amendments are recommended.

- Parking – the quantum of car parking spaces is slightly below CDP standards, but acceptable given the context of usage. The overall number of cycle spaces are queried, and the provision of cycle lanes throughout the scheme is raised.
- Open Space Provision – the layout and provision of 15% open space is acceptable. The inclusion of a view corridor to the graveyard and church ruins is welcomed.
- Part V - The proposed housing mix is acceptable and Part V obligations have been met in terms of unit specification and distribution.
- Crèche - The provision of a crèche is welcomed. The planning authority would find it useful to know the number of children that will be served by the facility.
- Movement and Transport – a number of technical amendments are required in relation to the stream, junction details and surface water.
- Drainage and Flooding – no issues raised.
- Archaeology – the recommendations of the Archaeology Assessment should be included as conditions.
- Appropriate Assessment – the NIS is sufficiently robust and the development is consistent with Policy CH3 of the plan.
- Community Facilities – there are sufficient community facilities in the vicinity to service the development.

8.3. Technical Reports – reports were submitted by the following internal departments of Louth County Council; Housing Department, Infrastructure and Irish Water Report.

8.4. The planning authority's conclusion considers the proposed development to be consistent with the relevant objectives of the County Development Plan and the Dundalk and Environs Development Plan, notwithstanding the Phase 2 designation of the lands in the core strategy, the proposal is substantially in compliance with the plan. In accordance with the requirements of section 8(5)(b)(ii) of the Planning and

Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions.

- 8.5. A total of 15 conditions are recommended should permission be granted. Of note are:

Condition 14 refers to a long list of technical requirements to do roads and surface water.

Condition 15 refers to waste water infrastructure and specifically clarification to do with wayleaves and layout redesign subject to agreement if necessary.

Other standard conditions relate to Part V requirements, archaeology, boundary treatment, public open space, management of construction works, waste management, noise management, and financial contributions.

9.0 Prescribed Bodies

- 9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- Inland Fisheries Ireland
- The Heritage Council
- Department of Culture, Heritage and the Gaeltacht (Development Applications Unit, Wexford)
- An Taisce – the National Trust of Ireland

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 14 December 2018. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.

- **Department of Culture, Heritage and the Gaeltacht (Archaeology)** – the contents of the archaeological assessment (Ian Russell, ACS Ltd., 14 May 2018) are noted. Given the information in the archaeological report the Department concurs with the archaeological mitigation programme as recommended in Section 5 (page 25) of the archaeological assessment report and recommend their attachment as a condition.
- **Inland Fisheries Ireland (IFI)** – notes the capacity constraints at Blackrock WwTP, re-profile works of the stream should be done in consultation with IFI and that during construction appropriate measures be employed to ensure discharges to the stream.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by any observations on file, under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Density
- Residential Amenity
- Public Open Space
- Layout
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Infrastructure and Flood Risk
- Environment/Ecology
- Archaeology
- Screening for Environmental Impact Assessment (EIA)
- Appropriate Assessment

10.2. Principle of Development

10.2.1. The subject site is located on lands within the Dundalk and Environs Development Plan 2009-2015 (extended) that are zoned 'Residential 1' – the objective of which is to provide and improve existing residential amenities and to provide for infill and new residential developments. The proposed development comprises residential units and a childcare facility and so therefore accords with the zoning objective for the lands concerned. The provision of residential development is considered acceptable

in principle on the site and generally in accordance with the zoning objectives for the area.

- 10.2.2. Variation No. 1 to the Dundalk & Environs Development Plan 2009-2015 (DEDP) 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 the release of such lands is contingent on the completion of 75% development on Phase 1 lands. The applicant recognises that their site is located on Phase 2 lands and has prepared a statement to justify the consideration of the development for permission. The justification provides new data in relation to changing demographics, demand and house prices to signify an overall need for housing at this location. The planning authority have provided a detailed backdrop to Variation 1. The planning authority state that in their initial analysis the Blackrock/Haggardstown area, in which the site is located, scored second to the Mount Avenue/Castletown area. Consequently, Mount Avenue/Castletown was designated Phase 1 and Blackrock/Haggardstown and other lands were designated Phase 2. In addition, the planning authority state that developments are imminent in Phase 1 lands and as such it is not envisaged that the proposed development will undermine or militate against the delivery of housing on Phase 1 lands.
- 10.2.3. A number of local residents have highlighted the issue of phasing and are unhappy that the development of the subject site should even be considered as it would contravene the development plan in relation to phasing. Elected members for Louth County Council also raised concerns about development phasing and the DEDP.
- 10.2.4. I acknowledge that Louth County Council have introduced a phasing strategy for Dundalk and its environs. The subject site is located on Phase 2 lands and hence, should await the completion of a substantial portion of development on other lands before commencing. The applicant has sought to justify their development with new information and the planning authority are satisfied that the scale of development proposed would not endanger the phasing strategy.
- 10.2.5. In terms of scale, I am not concerned that the provision of 166 units, just over a tenth of those planned for Dundalk and Environs, on lands almost considered for Phase 1 status would be a significant divergence from the phasing strategy. After all, the lands are zoned for residential purposes and can be serviced. I note the timing of

Variation 1, mid 2011, I can see that phased growth at Mount Avenue/Castletown has been constrained by the refusal of a 141 house development at Farrendreg in 2015, PL15 .244460 refers. It would appear to me that even though Mount Avenue/Castletown are Phase 1 lands, they have had their problems in terms of road infrastructure. Circumstances have changed in the intervening time period, such that planned road infrastructure improvements have been progressed by LIHAF approval and will facilitate development, some of which may or may not be SHD proposals.

10.2.6. I am of the view that road infrastructural blockages on Phase 1 lands can be relieved and allow phased build out. Until that time, I do not consider that the development of 166 dwellings out of 1,600 units planned for Dundalk, or just 10%, would be a material contravention of a phasing objective of the plan or undermine the phasing strategy. A strategy, which in my opinion may have limited planned growth and resulted in the unintentional consequence of delaying development and restricted the delivery of new homes on zoned and serviced land.

10.3. **Density**

10.3.1. Residential density is stated as 37 dwellings per hectare. The planning authority are satisfied that the proposed density meets with national guidance and the objectives of the Development Plan, specifically Policy HC18. Local residents are not satisfied that the proposed densities are either acceptable or needed in the area.

10.3.2. The proposed residential density is achieved by the introduction of low rise apartments, none higher than three storey and most two storey, placed amongst two storey detached and semi-detached dwellings. The applicant has shown that the prevailing residential densities in the area are very low and has designed the layout to ensure that neighbouring properties are not unduly affected.

10.3.3. The most relevant national guidance in relation to residential density at a location like this is the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009, subsequent guidance has built upon the fundamentals contained in this document. In my view, the site could be considered as an outer suburban/'greenfield' site in a city or large town, though I note that the site can be serviced and is close to existing social and commercial facilities. Irrespective, the guidelines urge residential densities in the general range of 35-50 dwellings per

hectare. The proposed density of 37 dwellings per hectare is entirely acceptable and in line with the concept of the greatest efficiency in land usage.

10.4. Residential Amenity

- 10.4.1. The applicant was required by the Board's pre-consultation opinion to address issues around residential amenity. I am satisfied that an appropriate level of information has been submitted to address outstanding issues to do with residential amenity, unit mix and typology.
- 10.4.2. Dwelling Houses - The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In the majority of cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation and Housing Quality Assessment submitted by the application, house type A and F (three bedroom semi-detached house) that provide accommodation for five persons comprise 107 to 112 sqm, but with a very minor shortfall in one bedroom space. This is marginally below the best practice guidelines; however, all other house types meet or exceed the relevant floor areas advised.
- 10.4.3. The planning authority have noted a small number of anomalies in relation to house type C1, in terms of aggregate living space shortfalls and slight floor plan changes. I am satisfied that these differences are not so significant to warrant any particular changes by way of condition.
- 10.4.4. In all cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer, either landing windows or obscured glazed windows are provided and this is satisfactory.
- 10.4.5. In terms of private open space, garden depths are provided at a minimum of 11 metres and according to the schedule provided by the applicant result in 50 or 80 sqm across all house types. In reality, the rear gardens associated with dwellings

vary in shape and area and provide in excess of 30 sqm. Of note, are the garden spaces associated with House Type F and C1 at the eastern side of the site, large gardens but with short distances to the boundary. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

10.4.6. The proposed development comprises 67 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in a number of blocks, between two and three storeys in height. Group G, comprises three blocks (G1, G2 and G3), two storeys in height and with a mono-pitched roof profile, located to the eastern boundary of the site. Group G accommodates 21 apartments and a ground floor childcare facility. Group H, comprises three blocks (H1, H2 and H3), three storeys in height, internalised staircase and with a mono-pitched roof profile. Group H apartments accommodate 26 apartments and are located around the central open space of the scheme. Group J, comprises four blocks (J1, J2, J3 and J4), two storeys in height, and with a mono-pitched roof profile. Group J accommodates 20 apartments and is located to the northern boundary of the scheme. The apartments are provided with either large gardens or balcony spaces, all to an acceptable standard. Apartment units are distributed throughout the site and are provided with adequate public or semi-private open space and play areas. Apartment units are dual aspect, with a combination of smooth plaster finish and brick, this is an acceptable format.

10.4.7. Section 4.6 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with apartment blocks are 2.7 metres, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3). Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded.

10.4.8. In broad terms, I am satisfied that the location and layout of most apartments is satisfactory. The relationship between apartment blocks J3 and J4 is a somewhat

poorly worked out, separation distances are minimal. However, no overlooking will occur and the two storey height and narrow plan of the apartments will ensure that direct sunlight will penetrate living rooms for most of the day. I am not satisfied with the arrangement and relationship of apartment blocks G1 and G3. Specifically, block G3 relates very poorly to block G1 and in my mind, takes any kind of residential amenity enjoyed by block G1. Less than 7 metres separate blocks G1 and G3 at the closest point and I am concerned that privacy will be impaired and that living rooms will be in almost permanent shadow. In addition, block G3 is located in a hollow and damp location adjacent to the Blackrock Stream and I cannot see how their semi-private amenity space will function with any kind of safety or enjoyment. It is for all these reasons, that I recommend block G3 be omitted and the space left behind added to the proposed adjacent tertiary open space area, car parking should remain as is. This will reduce the overall number of residential units in the scheme, if permitted, by 8 two bed apartments and result in a revised total of 158 dwelling units.

10.4.9. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. I have not seen a report to this effect supplied with the planning application. In any case the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.4.10. Existing Amenity – The proposed development will adjoin the existing Cois Ferraige housing scheme and has been designed to either follow existing building lines or present a back to back arrangement. I find that separation distances of 22 metres between opposing first floor windows or greater has been applied by the applicant. Some observers have raised an issue over the potential for overlooking from Block H3. Given a distance from the gardens of existing development of over 35 metres to the rear of H3 and that ground levels are slightly lower on the subject site, I am satisfied that there will be no loss of privacy as a result of overlooking. The proposed development has been designed to integrate with the first phase of development at Cois Ferraige and this is satisfactorily achieved.

10.4.11. The subject site also shares boundaries with residential property along Tuites Lane to the north west, Rock Ville and Hamilton Avenue to the south east.

Development at these locations is characterised by large houses on large plots set back from the road. The rear gardens of all these residences back onto the site. Firstly, almost all of the properties along Tuites Lane have objected to development of the scale proposed so close to their gardens and houses. For the most part, a separation distance of at least 22 metres has been maintained by proposed houses and the three storey apartment Block H2. There are two existing bungalows where separation distances are between 13 and 17 metres and these concern gable ends with no chance of overlooking or incorporate obscured glazing at first floor level. With respect to either overbearing impact or overshadowing of these two bungalows, I have no concerns that either impact will be felt by the existing occupants because all other separation distances are so great and the proposed houses/apartments are at between two and three storeys in height. Of course, the outlook from these existing houses will change and this is to be expected on lands zoned for residential purposes. I am satisfied that all proposed units along the Tuites Lane boundary are acceptable and will not negatively impact upon the existing residential amenity.

10.4.12. Finally, a property owner at Hamilton Avenue to the south east of the site is concerned about a number of factors, but primarily with the proximity of proposed development to their house and boundary treatment. I have already addressed the impacts as I see them from apartment block G3 and I have no other concerns with regard to the remaining apartment blocks or housing at this location. Issues to do with boundary treatment can be addressed by an appropriate condition, if permission is granted.

10.4.13. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Cois Ferraige housing estate.

10.5. **Public Open Space**

10.5.1. Green infrastructure was highlighted in the Board's pre-consultation opinion, specifically the integration and appreciation of the adjoining graveyard, archaeology,

stream and hierarchy of open spaces should be explored. I am satisfied that the level of detail submitted allows me to assess the success or otherwise of the scheme to address these issues.

10.5.2. In this regard, the applicant has submitted a landscape proposal that outlines a hierarchy of functional open spaces, dominated by a primary open space with a play area. The planning authority are satisfied with the proposed landscape plan, in particular the proposed vista to the church in ruins is welcomed. I too am broadly satisfied that the landscape design approach will provide adequate levels of amenity for future occupants and is acceptable in terms of design and quantum. However, there are some minor points of detail that should be addressed and these concern access from the scheme to Tuites Lane and access to the adjoining graveyard. A potential future pedestrian link is shown from the site across the adjoining graveyard and whilst a good idea in principle, I am not convinced that the applicant has fully determined how this might work in practice. I am satisfied that a link has been designed in to the proposed landscape plan, but any actual pedestrian link through the graveyard does not form part of this planning application.

10.5.3. Many observers have raised concerns at any linkage to the proposed development from Tuites Lane, evidently a private laneway. The potential for a dangerous level of pedestrian and cyclist traffic along the laneway and particularly at the junction with Old Golf Links Road is cited by residents as unacceptable. The lack of passive supervision across the new link lane, drainage issues and absence of legal consent to access Tuites Lane are all raised as obstacles. One of the principles of good urban design and a tenet of best practice advised by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), is permeability. The link proposed by the applicant is not a strategic link but will provide alternative pedestrian/cyclist access from the site out onto Old Golf Links Road. Conversely, such a link would also provide access for residents along Tuites Lane southwards through the scheme and onwards to Blackrock Village centre. In terms of the configuration of Tuites Lane, it is a narrow single carriageway with no pedestrian facilities and serves 16 or 17 houses and the works entrance to the golf course. In some ways, it operates as an informal shared surface street and in my view, can easily absorb occasional pedestrian and cyclist use. In terms of the configuration of the proposed link laneway along the open

stream, I have no concerns. The link is 40 metres in length and 15 metres at its narrowest point. The entry and exit point are well overlooked and it is unlikely that this would be a place for antisocial behaviour to occur, if well lit. I am satisfied that the proposed link at the north of the site onto Tuites Lane is useful, well designed and safe. Of course, access from the laneway to Tuites Lane may well be the subject of a separate legal agreement, beyond the scope of this assessment.

10.6. **Layout**

- 10.6.1. Open space – In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. In particular, the main public open space is well proportioned and overlooked on all sides and the axial vista towards the graveyard and church in ruins is acceptable. Play areas are distributed throughout the scheme and again are well overlooked and are intended to provide play opportunities for all age-groups of children.
- 10.6.2. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme. The applicant has sought to address the issues raised by the Board's pre-application consultation opinion with regard to green infrastructure. I am satisfied that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation/stream and the provision of usable and passively supervised open spaces. The integration of the Blackrock Stream and the key views towards the graveyard will provide an attractive array of landscape elements to create a sense of place for the scheme.
- 10.6.3. Street Hierarchy – The applicant has shown a site that is connected to the wider street network via Cois Farrage and a possible future link to the east. All streets are detailed at 5.5 metres in width and shared surface streets are differentiated by colour changes. The street geometry is characterised by tight corner radii, deflections and pinch points. The street dimensions and configuration are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The street and footpath layout is satisfactory; however, where future road/pedestrian

connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

10.7. Traffic and Transport

- 10.7.1. The applicant has submitted a development proposal that will increase traffic generated in the area. Consequently, a Traffic and Transport Assessment (TTA) has been prepared. The report includes a traffic assessment on two junctions; from the development access at Cois Farrage and Old Golf Links Road with Rock Road. The applicant also intends to provide additional pedestrian facilities (a footpath) on the western side of the Old Golf Links Road opposite the old graveyard along lands in their ownership.
- 10.7.2. On the whole, the planning authority are satisfied with the proposed road layout and footpath improvements, subject to meeting technical standards. Observers, for the most part, are not happy with the scale of development proposed, the traffic issues that will result and the substandard local road and footpath network.
- 10.7.3. The TTA submitted by the applicant concludes that there is adequate capacity in the local road network to accommodate the volume of traffic expected from the development, including the proposed childcare facility. Junctions in the vicinity will continue to operate safely after development is completed. Pedestrian traffic will avail of existing and proposed footpaths and public transport is available half a kilometre from the site. I am satisfied that there is adequate capacity in the local road network to cater for this development. In addition, I am satisfied that the proposed development and associated traffic levels can be adequately catered for within the existing junction layout of the immediate area.
- 10.7.4. Footpaths - In relation to footpaths, the wider area is characterised by an assortment of footpath treatment, from none at all, to hardcore margins, grass margins and conventional concrete footpaths. This is not ideal, especially for mobility impaired pedestrians and a symptom of ad hoc development over the years. I understand, that the Council are moving towards the improvement of pedestrian facilities in the area and this is subject to funding and should be welcomed. In the meantime, the applicant proposes to provide a portion of footpath along the western side of Old Golf Links Road in addition to a footpath along the site frontage and this is satisfactory.

10.7.5. Parking - The applicant is proposing 2 car parking spaces per house and 1 space per apartment which is considered to be broadly consistent with the Louth County Development Plan standards. With regards to the apartment car parking provision, I consider having regard to the proximity of the lands to low capacity public transport and within walking and cycling distance of Blackrock Village centre that 1 space per apartment is adequate. Based upon my observations of the already built residential units within Cois Ferraige, there is a dominance of disorderly on curb parking mainly due to high car ownership, whilst most visitor spaces remain unoccupied. In my mind, this is a management issue and should be addressed in this application by a targeted and well-designed smarter travel or mobility management plan, a suitable condition is recommended. With regard to bicycle parking, the plans submitted indicate an array of spaces but no overall count of spaces is provided. The planning authority have also pointed out that cycle parking facilities are unclear and require clarification. It is considered that adequate bicycle parking can be provided on the site but that greater detail should be sought by way of condition.

10.8. **Childcare and Part V Social Housing Provision**

10.8.1. Childcare - The applicant has proposed a childcare facility with a floor area of 250 sqm. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. 44 spaces for the development. The applicant states that the facility will cater for up to 40 children and operate 7.30am and 6.30pm Monday to Friday. In addition, the applicant states that the scheme of 166 units, includes a number of apartment types that will attract no-child households such as young professional and empty nesters. Applying the general standards of minimum floor areas for pre-school children and exclusive of kitchen, bathroom and hall, furniture or permanent fixtures, I find that the proposed scale of the childcare facility is acceptable.

10.8.2. Part V Provision – The Part V Schedule of Accommodation submitted by the applicant proposes between 15 dwelling units, comprising: 4 two bedroom apartments (type F1 78 – 90sqm) and 11 three bedroom semi-detached houses (across house types between 90 and 112sqm). The proposed units are dispersed throughout the overall layout. This broadly accords with the requirement to provide 10% social housing. The Council's Housing Department have stated an agreement over the net monetary value and an agreement will be finalised after the grant of

permission. The proposed locations of the social housing units are spread throughout the development and provide a mixture of two and three bedroom units. I note that the planning authority have not raised any particular issues in relation to the provision of Part V housing, in any event any matters can be resolved by condition as necessary.

10.9. Flood Risk and Infrastructure

- 10.9.1. The specific information regarding Flood Risk Assessment requested in the Board's notice of pre-application consultation opinion, has been submitted by the applicant. A watercourse known as the Blackrock Stream passes through the central portion of the site. The watercourse is open for the most part but passes through a culverted mid-section before flowing off site to the east. Flood Zones A and B have been identified for an extensive area bounding the stream at the centre of the site. The proposed site layout indicates open space and planting in this area of the site.
- 10.9.2. The applicant has submitted a Site Specific Flood Risk Assessment (SSFRA), prepared in accordance with the Planning System and Flood Risk Management guidelines. The report identifies that the primary potential flood risk can be attributed to an extreme fluvial event in the Blackrock Stream and potential surcharge of the storm sewer network due to blocked culverts upstream, within the site and downstream.
- 10.9.3. In accordance with the guidelines, the applicant has carried out a justification test and concluded that given the measures proposed, the residential development is acceptable. The report models the effect of re-grading and re-profiling the stream and bank in order to manage the impact of the existing poorly maintained and irregular channel profile. The report concludes that the hydraulic modelling exercise indicates that the proposal to re-profile and re-grade the Blackrock Stream through the site will not result in an adverse impact to downstream or adjacent lands or properties and will not increase flood risk elsewhere.
- 10.9.4. The planning authority have no concerns with regard to flooding and recommend planning conditions to do with the proposed bridge crossing, revised calculations, construction details and the implementation of the recommendations contained in the SSFRA. I am satisfied with the findings of the applicant's flood risk assessment and agree with the measures proposed. I note the comments received from Inland

Fisheries Ireland with regard to the stream re-profiling and re-grading works proposed and that any works should be carried out in consultation with the IFI and in accordance with best practice. Though, some residential development is proposed within Flood Zone A or B, I have had regard to the modelling carried out by the applicant and am satisfied that proposed measures are adequately in accordance with the guidance contained within the relevant Section 28 guidelines on flood risk management, surface water management and flood risk mitigation measures can be dealt with by condition.

10.9.5. Infrastructure - I note that Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. However, in a letter dated 5 November 2018 from IW in relation to the applicant's pre-connection enquiry, IW state that in the case of wastewater connections their assessment does not confirm that a gravity connection is achievable. Therefore, a suitably sized pumping station may be required to be installed on the site. In addition, the letter states in order to accommodate the proposed wastewater connection at the site, upgrade works are required to increase the capacity of the Blackrock Wastewater Treatment Plant (WwTP). Irish Water state that they currently have a project underway which will provide the necessary upgrade and capacity. The upgrade project is scheduled to be completed by Q1 2019 (this may be subject to change) and the proposed connection could be completed as soon as possibly practicable after this date. The applicant has submitted a Report on Waste Water Infrastructure Constraints, in which it is stated that a Local Network Reinforcement Project (LNRP) for Blackrock WwTP is ongoing and is due to be completed by Q1 2019. This work involves the diversion of public mains and the construction of a pumping station at Haynestown, that will in turn pump from Blackrock WwTP to Dundalk WwTP freeing up capacity at Blackrock WwTP.

10.9.6. It would appear to me that the construction of infrastructure to alleviate capacity issues at Blackrock WwTP are underway, though not yet complete. Both the applicant and Irish Water have provided information to confirm this. I am satisfied that essential infrastructure has been planned for and is currently under construction and due for completion soon. However, to ensure that the proposed development is

satisfactorily serviced, I recommend a condition that restricts occupation of the units until the IW pumping station is commissioned and operational.

- 10.9.7. In addition, Irish Water have no objection to the design submission prepared by the applicant and reviewed by IW, letter dated 27 November 2018. In the context of the information contained in the application, the proposed development can be satisfactorily serviced subject to technical conditions.
- 10.9.8. I note that the planning authority have recommended a condition that identifies potential conflicts with proposed development and the location of wayleaves across the site. In connection with this issue I note that IW have stated that diversions of the existing Irish Water Wastewater Network is required on the site and advise of the necessity of a Diversion Agreement prior to commencement of works on site. The applicant has prepared a Report on the Services Associated with the site, but no mention is made of wayleave diversions or amendments. However, I do note that drawing number 104 revision 02 entitled 'OS and Site Location Map' details existing wayleaves to be retained, proposed wayleaves for diversion and wayleaves relinquished. It would appear to me that existing wayleaves to be retained lie across public open space adjacent to the stream and that other existing wayleaves are either to be relinquished or diverted. I am satisfied that an appropriate condition with regard to technical requirements and agreements can manage this issue without redesign of the layout as proposed.

10.10. Environment / Ecology

- 10.10.1. A number of observers have raised issues in relation to the loss of wildlife should the development proceed. The applicant has submitted an EIA Screening Report, that concludes no requirement to prepare an Environmental Impact Assessment Report. In addition, a Natura Impact Statement has been submitted. Both reports indirectly address the impact of the development on the receiving environment.
- 10.10.2. I note the wildlife concerns raised by observers; during my site visit I did not observe anything out of the ordinary, though this does not mean that the fauna described by local residents does not exist. I note that the applicant has shown an intention to retain hedgerows where possible and to augment planting along the watercourse. In addition, rather than cover the watercourse over entirely, it is

proposed to re-grade and re-profile the stream and leave it above ground for the most part. I am satisfied, that in the context of these zoned lands and the proposed landscape masterplan, the impact to wildlife such as it is will be acceptable and proportional.

10.11. Archaeology

10.11.1. The planning authority acknowledge the findings of the report prepared by the applicant. In addition, the submission from the Department of Culture, Heritage and the Gaeltacht with regard to Archaeology recommends the implementation of the mitigation measures proposed by the applicant. I concur with the comments of the planning authority and the Department and given the scale and the archaeological potential of the site agree that an appropriate archaeological condition should be attached in the event of a grant of permission.

10.12. Screening for Environmental Impact Assessment (EIA)

10.12.1. The applicant has submitted an Environmental Impact Assessment Screening Report contained within their general Planning Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2018.

10.12.2. The current proposal is an urban development project that would be in a built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 166 residential units on 4.8 hectares. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units. The proposed development would be located on part agricultural and part former development land beside existing residential development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of a Natura Impact Statement (NIS) that states there will be no impacts upon the conservation objectives of the Natura sites

identified. The habitats and species associated with those sites identified will not be adversely affected.

10.12.3. The development would result in works on zoned, brownfield and agricultural lands. The majority of the development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. Though the site is partially located within a flood risk zone, adequate and appropriate mitigation measures are proposed. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

10.13. Appropriate Assessment

10.13.1. The site is not located within any Designated European site. There are five European sites within 15 kilometres of the site, Dundalk Bay SAC: Site Code 000455; Dundalk Bay SPA: Site Code 004026; Strabannon-Braganstown SPA: Site Code 004091; Carlingford Mountain SAC: Site Code 000453; and Carlingford Shore SAC: Site Code 002306.

10.13.2. A Natura Impact Statement, prepared by Doherty Environmental Consultants Ltd was submitted with the application. The applicant states in the Screening Assessment that the Dundalk Bay SPA and Dundalk Bay SAC occur within the zone of influence of the project and in the absence of appropriate mitigation measures is at risk of likely significant effects from elements of the project. The Dundalk Bay European Sites have been determined by the applicant to occur within the zone of influence of the project due to the presence of a hydrological pathway connecting the project site to these European Sites. I would concur with this screening conclusion that the Dundalk Bay SPA and Dundalk Bay SAC should be the focus for a Natura Impact Statement. The information contained within the overall report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

Dundalk Bay SAC: Site Code 000455

10.13.3. The site synopsis for this site states that Dundalk Bay, Co. Louth, is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula in the north, to Annagassan/Salterstown in the south. The bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. It outlines that the site is also of special area of conservation for the following habitats/species:

- Estuaries
- Tidal Mudflats and Sandflats
- Perennial Vegetation of Stony Banks
- Salicornia Mud
- Atlantic Salt Meadows
- Mediterranean Salt Meadows

10.13.4. This is a site of significant conservation value because it supports good examples of a range of coastal habitats listed on Annex I of the E.U. Habitats Directive, as well as large numbers of bird species, some of which are listed in the Birds Directive.

Dundalk Bay SPA: Site Code 004026

10.13.5. Dundalk Bay is a large open shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula, in the north, to Annagassan/Salterstown in the south.

10.13.6. The extensive sand flats and mud flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The outer part of the bay provides excellent shallow-water habitat for divers, grebes and sea duck. In summer, it is thought to be a major feeding area for auks from the Dublin breeding colonies. The bay is used at night for roosting by wintering flocks of Greylag Goose, Greenland White-fronted Goose and Whooper Swan from Stabannan/Braganstown (inland of Castlebelligham) and other inland sites.

10.13.7. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Great Crested Grebe, Greylag

Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull and Herring Gull. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

10.13.8. The site is of international importance because it regularly supports an assemblage of over 20,000 wintering waterbirds. It also qualifies as a site of international importance for supporting populations of Light-bellied Brent Goose (370), Knot (9,710), Black-tailed Godwit (1,100) and Bar-tailed Godwit (1,950) - all figures, unless stated otherwise, are five year mean peaks for the period 1995/96 to 1999/2000. A variety of other species occur in numbers of national importance, i.e. Great Crested Grebe (303), Greylag Goose (435), Shelduck (522), Teal (538), Mallard (765), Pintail (117), Common Scoter (581 - five year mean peak for the period 2000/01 to 2004/05), Red-breasted Merganser (121), Oystercatcher (8,746), Ringed Plover (151), Golden Plover (5,967), Grey Plover (204), Lapwing (4,892), Dunlin (11,518), Curlew (1,264) and Redshank (1,659). Other wintering species which occur include Red-throated Diver, Great Northern Diver, Cormorant, Grey Heron, Little Egret, Mute Swan, Wigeon, Goldeneye, Greenshank and Turnstone.

10.13.9. The site also supports nationally important populations of three wintering gull species - Black-headed Gull (6,643), Common Gull (551) and Herring Gull (754). In spring and autumn the site attracts a range of passage migrants, including Little Stint, Curlew Sandpiper and Ruff.

10.13.10. Dundalk Bay SPA is one of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. Four species occur in numbers of international importance and a further 19 species in numbers of national importance. The regular occurrence of Golden Plover, Bar-tailed Godwit, Red-throated Diver, Great Northern Diver and Little Egret is of particular note as these species are listed on Annex I of the E.U. Birds Directive. Dundalk Bay is a Ramsar Convention site and parts of Dundalk Bay SPA are designated as Wildfowl Sanctuaries.

Potential Impacts

- 10.13.11. As noted in the AA screening section of the report, the possibility of significant impacts cannot be excluded, as stated by the applicant, the likely significant risks to the European sites identified arise from disposal of household waste particularly wastewater and contaminated surface water discharges and the potential for these effects to reach downstream European sites. The report concluded, that likely significant effects on these two European sites cannot be screened out.
- 10.13.12. The Stage One screening conclusions note that without relevant mitigation measures then significant impacts on the aforementioned Natura 2000 sites cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2. Given the mitigation measures outlined and considered necessary I agree with the conclusions of the screening report that a Stage 2 AA is required. I also concur that the Stage 2 AA can be confined to these two sites, namely Dundalk Bay SAC and SPA.

Stage 2 Appropriate Assessment

- 10.13.13. As outlined in the screening undertaken above, this AA relates to the following sites:
- Dundalk Bay SAC: Site Code 000455
- Dundalk Bay SPA: Site Code 004026
- 10.13.14. The features of interest and conservation objectives are outlined above. The NIS notes that in the absence of appropriate mitigation measures that there was a risk of significant impacts as a result of the proposal project on the following conservation interests – estuaries, tidal mudflats and sandflats, Atlantic saltmarsh and bird species listed in the Dundalk Bay SPA.
- 10.13.15. In respect of the potential impacts of the proposal which are outlined above in relation to Stage 1 screening, the impacts have been assessed in the NIS in respect of the Construction Phase and the Operational Phase of the Proposal. I will address each in turn.
- 10.13.16. Firstly, the construction phase, and the potential for contaminants from the site to enter the surface water pathway either from the surface water network or directly overland and ultimately discharge into the Bay. These related to uncontrolled

run-off from the site and accidental spillage of fuels and oils. In addition, dust emissions are identified and so too is the spread of non-native invasive species. Mitigation is proposed by way of a best practice techniques, buffering around the area of the stream, pollution prevention and control and the production of a pollution prevention plan.

10.13.17. In relation to the operational phase of the proposal, the potential impact also relates to uncontrolled surface water run-off. The NIS states that the surface water management system has been designed to collect and treat all surface water generated by impermeable surfaces. Given the mitigation measures proposed both during construction and operational phases and the distance of the site from the Natura 2000 site I do not consider that this potential impact would give rise to an adverse affect on the integrity of the relevant European Sites. The other potential operational impact relates to the treatment of wastewater from the proposal. The lack of capacity at the existing Blackrock WwTP is noted in the NIS but as outlined throughout this report, it is proposed to increase capacity at Blackrock and works are underway and due for completion early in 2019.

Stage 2 Conclusion

10.13.18. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites - Dundalk Bay SAC: Site Code 000455, Dundalk Bay SPA: Site Code 004026, in view of their Conservation Objectives.

11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or

(d) refuse to grant permission for the proposed development, and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to

(i) the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Dundalk Environs Development Plan 2009-2015 (extended) in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Louth County Development Plan 2015-2021 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, March 2018,

(vi) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,

(vii) the availability in the area of a wide range of social and transport infrastructure,

(viii) to the pattern of existing and permitted development in the area, and

(ix) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian 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, 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This grant of permission permits the construction of 158 units in total and a crèche facility.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

- (a) Apartment Block G3 shall be omitted and its location integrated in to the tertiary open space area shown on Landscape Design drawing 00 rev 1.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. The appropriate period for this permission shall be 5 years from the date of this order. The development shall be carried out within that period in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular:

- (a) the plan shall stipulate that none of the authorised dwellings may be occupied until the completion and successful commissioning of the project to provide necessary upgrade and capacity at Blackrock Wastewater Treatment Plant, as detailed by Irish Water in their correspondence dated 5 November 2018 and included in the Report on Services Associated with the proposed development prepared by Denis Williams Design Services Ltd.
- (b) the plan shall detail the installation of any ancillary infrastructure such as a suitably sized pumping station on site and diversions of existing Irish Water Wastewater Network on the site.
- (c) the plan shall stipulate that none of the authorised dwellings may be occupied until the proposed footpath along the western side of Old Golf Links Road has been constructed to the satisfaction of the planning authority.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

5. A suitable quantity of secure and sheltered bicycle parking spaces shall be provided for the authorised apartments and childcare facility which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments issued by the minister in March 2018.

6. 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.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) details of hard surface finishes and paving materials in the vicinity of the Blackrock Stream, together with a management plan to ensure the protection of the semi-mature woodland and riparian corridor during construction;

(c) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(d) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;

(e) details of proposed boundary treatments at the perimeter of the site and specifically at the boundaries with existing residential property, including heights, materials and finishes.

(f) Measures to ensure the retention of the existing hedgerows where appropriate and additional screen planting to the entire north western and north eastern boundary of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. 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. The following specific requirements shall be submitted to and agree in writing with the planning authority prior to commencement of development.

(a) Implementation of all mitigation measures in the site-specific Flood Risk Assessment.

(b) Revised surface water drainage calculations with regard to attenuation storage for catchments 1 and 2.

(c) Submit details of any bridge crossings and other stream crossings.

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

9. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

11. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

12. Proposals for an estate/street name, unit 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/apartment 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 urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(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 authority considers appropriate to remove.

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.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Smarter Travel/Mobility Management Plan. This shall include measures to promote and improve the attractiveness of using public transport, cycling, walking, car clubs or a combination of these as alternatives to drive-alone journeys. Confirmation that this plan has been prepared and agreed shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

18. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

19. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

20. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in

July, 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

21. 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, construction traffic management plan and off-site disposal of construction/demolition waste.

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

22. 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

25 March 2019