



An
Bord
Pleanála

Inspector's Report ABP-303628-19

Development	50 houses and 30 apartments.
Location	Farndreg, Mount Avenue, Headford, Dundalk, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	18943.
Applicant(s)	Urban Life Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party.
Appellant(s)	Kathleen McCaughey and James Clarke.
Observer(s)	None.
Date of Site Inspection	7 th May 2019.
Inspector	Deirdre MacGabhann.

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1.0 Site Location and Description

- 1.1. The 3.686 ha appeal site lies to the west of Dundalk Town, County Louth. It is situated south of Headford, a low density residential development, and to the east of Mount Avenue. It comprises an approximately rectangular site with the red line boundary extending to the north along Headford and Mount Avenue. To the south the red line boundary extends to the east, south east and south for underground services.
- 1.2. The appeal site comprises part of an agricultural field, the topography of which falls substantially from north west to south east (topographical differences are up to >10m). The site is separated from Headford by the estate road, a roadside bank and mature vegetation. To the east of the agricultural field, in which the site is located, is semi-detached residential development, 'Farndreg'. It forms part of a larger residential area of principally social housing, 'Cox's Demesne', south of Castletown Road. To the west of the appeal site is a detached residential property, set in large grounds. It is separated from the appeal site by a hedgerow that runs along the western boundary of the site.
- 1.3. Mount Avenue is a minor public road that runs approximately north-south to the west of Dundalk town. It connects Castletown Road (N53/R934) to the north of the site to Carrickmacross Road (R178) to the south of the site. The road is generally narrow and winding with no pavements along much of its length. There is residential development alongside the road, particularly at its northernmost and southern end. Towards the R178, traffic speeds are controlled by speed bumps. To the north of the R178, west of the junction with Mount Avenue, is Lis na Dara a residential development.

2.0 Proposed Development

The proposed development comprises the construction of 50 houses and 30 apartments, broken down as follows:

Property type				
50 houses (62%)	<ul style="list-style-type: none"> • Detached - 8 • Semi-detached - 38 • Terraced - 4 	30 apartments (38%)	<ul style="list-style-type: none"> • 2 no. 3 storey blocks 	
No. of Bedrooms	Number and Percentage of Units			
	Houses	Apartments	Total	%
One	0	18	18	22.5
Two	1	12	13	16.25
Three	28		28	35.0
Four	21		21	26.25

- 2.1. Access to the site is proposed via a new entrance from Headford estate. Properties are arranged along an internal access road from this junction, with detached and semi-detached properties towards the north of the site and the apartments and terraced units to the south. Houses are principally 2 storey and apartments are in two no. three-storey blocks. Due to the change in site levels across the site, a retaining wall is proposed along the eastern boundary of the site, with a 1.8m high timber fence above.
- 2.2. Public open space is provided in two main areas, one at the north of the site and one to the south east (0.42ha provided in total). A pocket park is provided to the north west of the apartment blocks. 145 car parking spaces are provided within the development, either on site (houses) or adjoining the apartment blocks. Permeable paving will be installed on all parking areas. Otherwise, surface water will be collected on site and passed through a petrol interceptor to an underground attenuation area. Discharge will be to an existing surface water sewer and outfall, to Castletown River, will be managed to greenfield site flow levels. Density of development is 29 units per hectare, on a site of 2.78ha i.e. excluding lands outside of the residential site for road improvement works.
- 2.3. The junction of Headford and Mount Avenue will be upgraded to provide (a) 2.4m x 45m sightlines in both directions, and (b) the widening and upgrading of Mount

Avenue over 550m, extending from just south of the junction with Headford to just south of the N53. The proposed development adjoins 'future development area' on the applicant's landholding (see Site Layout Plan, Sheet 1 of 2, Drawing 142-PA-003.1-A).

2.4. The application is accompanied by architectural and engineering drawings and the following technical reports:

- Planning Statement - Statement of consistency with policy context.
- Engineering Assessment Report.
- Flood Risk Assessment.
- Traffic and Transport Assessment.
- Tree Survey.
- Archaeological Assessment.
- Building Energy Assessment.
- Outdoor Lighting Reports.
- Screening Report for Appropriate Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 18th January the planning authority granted permission for the development subject to 16 conditions. Most conditions are standard. Site specific conditions include the following:

- No. 14 – Sets out detailed engineering requirements, including provision of sightlines at entrance to the site (access onto Headford estate), upgrading of Mount Avenue over c.550m, management of surface water, construction of retaining walls, traffic management measures and public lighting. It states that no works shall commence on site until the required visibility splays have been provided at the entrance to the site.

- No. 15 – Requires archaeological monitoring of ground disturbance in proximity to souterrain (RMP No. LH007-034) and conservation plan for souterrain site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 14th January 2019 – The report refers to the location of the appeal site, its planning history, the nature of the development, its policy context and submissions/observations. It refers to the €3.3m secured by Louth County Council from the Local Infrastructure Housing Activation Fund (LIHAF) for the upgrading of Mount Avenue. The report also refers to minutes of pre-planning consultations held with the Board in respect of the site under ABP-300163-17. The report assesses the merits of the application under a number of headings including principle, core strategy, site history, density and housing mix, Part V, Design Manual, community audit, open space, archaeology, screening for appropriate assessment, flooding, roads and parking and levies. The report recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Infrastructure (14th December 2018) – No objections subject to conditions, in respect of provision of sightlines at site entrance, replacement of ramps on access road within Headford housing development, upgrading of Mount Avenue, details in respect of surface water drainage, construction of retaining walls, road design, public lighting, liaison with public utilities, road opening licence and repair and maintenance of the public road.

3.3. Prescribed Bodies

- Irish Water (19th December 2018) – Recommend further information in respect of proposals to divert a watermain within the site, location of foul sewer and pre-connection enquiry form.
- Department of Culture, Heritage and the Gaeltacht (2nd January 2019) – Recommend archaeological monitoring of any ground disturbance in

proximity to souterrain (RMP no. LH007-034) and that the applicant submit a conservation plan for the site of the souterrain to the planning authority.

3.4. Third Party Observations

- Kathleen McCaughey (17th December 2018) – Application not in compliance with proper planning and sustainable development of the area, applicant proposes linking of open space with the observer's private property, overbearing visual impact on residential property due to proximity and height of development, upgrade to Mount Avenue is outside ownership of the applicant, permission previously refused by the Board.
- James Clarke (17th December 2018) – Traffic hazard on Mount Avenue from additional traffic that would be created by the development and the substandard nature of Mount Avenue.

4.0 Planning History

4.1. The following history cases are relevant to the proposed development:

- PA ref. 03/151 and PL55.204003 – Permission was refused for a residential development of 34 detached properties and new vehicular access onto Mount Avenue, north of its junction with Carrickmacross Road, on the grounds that it conflicted with the then Area Action Plan (access to the site, density) and the sub-standard nature of Mount Avenue to accommodate the additional traffic generated by the development.
- PA ref. 14/378 and PL15.244460 – Permission for 140 dwellings was refused on a 5.82ha site, which included the appeal site, on the grounds that (a) the Board were not satisfied that the necessary improvements to the junction of Mount Avenue/Headford Road (sightlines) and Mount Avenue (substandard condition) could be carried out by the applicant, and (b) inadequate provision of open space (quantitatively and qualitatively).
- ABP-300163-17 – The applicant entered into pre-application consultations with the Board in respect of a revised development of 142 dwellings on the above site (now increased in size to 7.2ha). The Reasoned Opinion required

the applicant to address the following issues in order to provide a reasonable basis for an application for strategic housing development:

- i. Mount Avenue Road upgrade – Timing of works and/or extent of works complete or underway to facilitate the development and address the Board’s concerns under PL15.244460.
- ii. Development strategy – Layout and configuration of open space, access arrangements within and connectivity through the site, compliance with DMURS and density of development.
- iii. Surface water management – Location of surface/stormwater management tanks vis-à-vis existing archaeological areas located within the site.

5.0 Policy and Context

5.1. National Policy

5.1.1. Having regard to the nature of the proposed development, its context and the submissions on file, relevant section 28 Ministerial Guidelines comprise:

- National Planning Framework, 2018.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and the associated Urban Design Manual – A Best Practice Guide 2009.
- Design Manual for Urban Roads and Streets 2013
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018
- Urban Development and Building Heights, Guidelines for Planning Authorities 2018.
- Childcare Facilities Guidelines for Planning Authorities 2001
- The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.

5.2. Local Policy

- 5.2.1. **Louth County Development Plan 2015 to 2021.** The appeal site lies within the defined urban area of Dundalk. It is identified as a Level 1 settlement for the County, a large growth town. Strategic aims of its core strategy include to prioritise sustainable development in within the town of Dundalk, as an economic driver for the County, support the creation of compact urban form in all settlements, promote the integration of land use and transport and a modal shift to greater use of sustainable modes of transport. Policies in respect of residential development and community facilities are set out in Chapter 4 of the Plan. These include, in Table 4.3 required densities for residential development of 30 plus units/ha on centrally located sites and 20-30 units/ha on edge of centre sites. Policy RES 18 states that these densities will be further refined where necessary as part of the review of local area plans. Policies in respect of natural and built heritage are set out in Chapter 5. Transportation is dealt with in Chapter 7.
- 5.2.2. **Dundalk and Environs Development Plan 2009-2015 (as extended).** The appeal site is situated on land zoned as 'Residential 1', *'to protect and improve existing residential amenities and to provide for infill and new residential development'*. Land immediately west of it is zoned for *'recreation, amenity and open space'* and Mount Avenue is identified for *'new and improved road network'*. To the west of the appeal site, on Mount Avenue, two protected views are identified, looking east across the northern part of the appeal site.
- 5.2.3. The core strategy of the Plan identifies the appeal site as part of a larger area comprising 'Phase 1' lands (Policy CS2). The site also lies within the wider 'Mount Avenue/Castletown Area'. The objective for the development of this area is to provide new residential development and supporting community facilities in accordance with the masterplan (see below) and the integration of existing residential areas. Policies of the Plan require large scale residential development to provide connectivity and integration within and between existing and proposed communities (Policy DS 3). Chapter 5 of the Plan deals with Transportation and Policy TR 12 seeks to secure identified road improvements (Table 5.2), including the realignment and upgrade of Mount Avenue and Mount Avenue Link Road. Chapter

6 sets out policies in respect of housing and community facilities, including qualitative and quantitative standards.

5.2.4. The appeal site falls within a wider area that is excluded from Part V (due to the presence of substantial social housing in the area) and land to the east of the appeal site, Coxes Demesne, is identified for 'Priority Regeneration'.

5.2.5. **Mount Avenue Master Plan.** This plan covers the appeal site and a wider area to the west of Dundalk town and is centred around Dun Dealgan motte and bailey, a national monument, to the north west of the appeal site. The master plan provides for a new western road corridor and the downgrading of Mount Avenue to a secondary route with pedestrian links to green spaces. The appeal site is zoned for residential development and lies to the east of a new civic area (west of Mount Avenue). Objectives of the Master Plan land are to provide a series of green open spaces linked by pedestrian, cycle and visual routes, ultimately creating a green pedestrian and cycle circuit throughout the site. Overall the Plan provides for a residential yield of c.2,500 dwellings.

5.3. **Natural Heritage Designations**

5.3.1. Dundalk Bay is designated as a proposed Natural Heritage Area/Special Area of Conservation (site code 000455) and Special Protection Area (site code 004026). The SPA boundary lies c.1km to the north east of the appeal site and the SAC boundary c.2km to the east.

5.4. **EIA Screening**

5.4.1. The proposed development is of a type that falls within Part 2 of the Schedule 5 of the Planning and Development Act 2000 (as amended), Class 10 Infrastructure projects, construction of dwelling units. However, it falls well below the threshold value for development that would trigger EIA (500 units) and, by virtue of the type of land use proposed, will not involve the use of significant natural resources or the production of significant waste, pollution or nuisances. Furthermore, the development would be located on the edge of an existing settlement, on agricultural land and integrated with existing services. Having regard to the above, I consider that there is therefore no real likelihood of significant effects on the environment

arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third-party appeal states that there is no objection to the principle of the development but raises concerns in respect of traffic arising from the development:

- Mount Avenue is a poor-quality road with sub-standard horizontal and vertical alignment, narrow in width with poor pavement structure, many blind entrances, a lack of pedestrian facilities and an absence of lighting and drainage (apart from short sections of its northern and southern ends). The proposed development will create c.900 traffic movements per day and would give rise to traffic hazard to all road users, given its current condition.
- The junctions of Mount Avenue with the R178, to the south, and N53 (Castletown Cross) to the north are sub-standard. Minor road traffic has great difficulty gaining safe access due to restricted visibility and heavy flows along the R178 and N53, particularly during peak periods. Castletown Cross has a particularly poor layout with steep approach gradients and an almost complete absence of visibility towards the east.
- Precedent set by previous refusals (e.g. PA ref. 03/51 and PL55.204003).
- Proposed road improvement works as set out in the Mount Avenue Link Road Part 8 Report (May 2007) have not been completed (apart from a section of the proposed new realigned southern portion constructed as part of residential development Lis-na-Dara).
- No evidence that the planning authority is in legal possession of the lands to realign Mount Avenue locally at the entrance to Headford to achieve the required sightlines.
- The most direct route to Dundalk town is via Carrickmacross Road. There is no condition requiring road improvement works south of Headford estate road on Mount Avenue.

- No timescale for improvements works to Mount Avenue (that form part of the development). Risk that the proposed development will be carried out without any meaningful improvement works to Mount Avenue and Castletown Cross (as per Mount Avenue Link Road Part 8 Report, 2007). Development is therefore premature.

6.2. Applicant Response

6.2.1. The applicant makes the following comments on the appeal:

- There is only one third party appeal. It does not object to the principle of the development and limits the appeal to roads and traffic matters only. Request that the Board restrict its consideration of the appeal to this single matter.
- The development will assist in addressing the deficiencies in the local road network referred to by the appellant.
 - i. The development will provide upgrading of northern section of Mount Avenue. Works are within the red line boundary and appropriate consents from the landowner have been provided (see Appendix B of response). A description of the works was included in public notices and detailed drawings submitted.
 - ii. The applicant would accept a condition limiting occupation of the development until the upgrade works from Headford to Castletown Road are commenced to the satisfaction of the planning authority.
 - iii. Avenue/Castletown Road junction – Whilst the TTA and response statement (attached to submission) confirm that the junction operates safely as a priority junction, the applicant is willing to accept a condition that traffic lights be provided at this junction prior to the occupation of any dwellings (no need for third party lands). Low incidence of accidents at the junction of Mount Avenue with the R178 and N53. The junction of Mount Avenue and the R178 will be downgraded to local traffic only as the new re-aligned Mount Avenue will be routed through Lis Na Dara estate, where the southern section of the upgrade is already constructed. Sightlines in accordance with DMURS can be achieved at the Mount Avenue/N53 junction and

speed ramps have been installed on the approach to the junction from the M1 to reduce traffic speeds. The proposed development is anticipated to generate 377 two-way trips per day and a peak hour flow of 47 two-way trips in the AM and PM. The planning authority were satisfied that the upgrade of Mount Avenue from Headford to Castletown Road is more than adequate to cater for the development (as demonstrated in TTA).

- LIHAF funding – This has been secured to implement an approved Part 8 proposal to upgrade Mount Avenue. Availability of LIHAF was approved in 2017, will facilitate the construction of 200 units in Mount Avenue/Castletown area by 2021, with the potential to construct 1,200 units overall. LIHAF funding is dependent on construction of 200 dwellings by 2021. The current application provides 80 of these dwellings. Construction of the road is due to commence in, and be completed by, the end of 2020.
- The appeal delays provision of the road upgrade that the appellant seeks. The appeal is an attempt to frustrate delivery of much needed housing and should be dismissed under section 138(1) of the Planning and Development Act 2000 (as amended).
- Request the Board to prioritise the appeal for determination (site located in a priority development area, in the built footprint of the town and on zoned land, lands are the only lands to have come forward for development over the extended life of the Dundalk and Environs Plan).

6.2.2. The remainder of the applicant's submission describes the current application, the planning history of the site and demonstrates how the development complies with national and local planning policy.

6.3. Planning Authority Response

6.3.1. The planning authority make the following comments on the appeal:

- In order to facilitate the entrance to the appeal site, the Council purchased lands at the Headford junction on the western side of the road and consented to the developer to include these lands, in addition to the public road, in order to allow upgrade of this section of the road to take place.

- The site is prioritised for development under the core strategy although it is recognised that the condition and sub-standard nature of Mount Avenue has impacted on the timely delivery of housing within the core strategy areas, phase 1 lands.
- It has been a longstanding aim to upgrade Mount Avenue. A programme of work has been agreed in order to implement its upgrade in line with a Part 8 approved by Dundalk Town Council. Funding for the works was approved in March 2017 under the Local Infrastructure Housing Activation Fund (LIHAF). The Council is in the process of securing the remainder of the lands needed to implement the road scheme.
- It is envisaged that the LIHALF will facilitate the construction of in excess of 200 housing units. The local authority has a scheme of houses at an advanced stage of design for Mount Avenue which, subject to Part 8 being approved, will be delivered in tandem with the proposed development.
- The proposed development will provide the upgrade of the Headford junction and c.550m of Mount Avenue. Works have been agreed with engineers in the Infrastructure section of Louth County Council.
- A work programme is in place for the upgrade works for the remainder of Mount Avenue in tandem with the CPO process and for the delivery of the council's own housing scheme. The Council is committed to drawing down the LIHAF funding and to ensure that the upgrade takes place in a timely manner.

6.4. **Observations**

- None.

6.5. **Further Responses**

6.5.1. The **appellant** makes the following additional comments on the applicant's response to the appeal:

- Board should not restrict the appeal to road and traffic matters

- The appellant cannot confirm what land is in the ownership of Louth County Council for road improvements.
- Acknowledge that the planning authority was granted LIHAF funding of €3.3m in March 2017 for works to Mount Avenue. The applicant does not have control over LIHAF funding. A condition of this funding is that 200 housing units be provided by 2021. For these works to commence a lot of land has to be acquired from land owners on Mount Avenue. This process has not started.
- The first named appellant owns land to the left of Headford junction that is required to improve sightlines. The appellant has not received notification of a CPO or other notice to acquire the lands. No other landowners on Mount Avenue have been approached with regard to land acquisition to provide road upgrades.

6.5.2. The **planning authority** make the following additional comments:

- The Council would not support a condition for traffic lights at Castletown Cross junction as this would represent piecemeal development and would not cater for planned infrastructure to address the development needs for the Mount Avenue master plan area, a revised TIA would be needed to support the provision of traffic lights at this location and a right turning lane would be necessary for traffic lights on Castletown Road to support the development.
- The Council is engaged in other pre-planning discussions for strategic housing developments in the area and would not support piecemeal development of infrastructure.

7.0 **Assessment**

7.1. Having regard to the information on file, including the planning history of the site, and my inspection of it and the surrounding area, I consider that the matters raised by the appellant are legitimate planning issues which have been key in the Board's determination of the previous appeal on the site. I do not consider, therefore, that the appeal should be dismissed under section 138(1) of the Planning and Development Act 2000 (as amended).

- 7.2. The appeal site is located on land zoned for residential development and is identified as Phase 1 lands in the core strategy of the Dundalk and Environs Development Plan 2009-2015. The principle of the development is therefore acceptable on the site. The applicant has requested that the Board confine their consideration to the substantive matter raised in the appeal. However, the Board is required to have regard to the government's section 28 guidelines in the performance of its functions and I have had regard to these guidelines in this assessment.
- 7.3. Within this context, I note that the proposed development generally complies with government guidelines in respect of housing mix and design (e.g. neighbourhood context, inclusivity, variety, efficiency, public realm, adaptability, privacy and parking), community facilities, flood risk and impacts on third parties. However, I comment on matters of detailed design, density, integration/connectivity, DMURS, provision of childcare facilities, public open space, archaeology and surface water management.
- 7.4. I note that the development is exempt from provision of social and affordable housing on the site by virtue of Policy HC2 of the current Dundalk and Environs Development Plan.
- 7.5. **Traffic Hazard**
- 7.5.1. Having regard to my inspection of the subject site and the surrounding area, I would accept that in its current condition Mount Avenue is sub-standard to cater for any significant increase in residential development. The road is narrow, undulating, includes tight bends and sub-standard junctions to the north, with Castletown Road (M53) and to the south with Carrickmacross Road (R178). In particular, the Castletown Road/Mount Avenue junction has limited sightlines to the east and is difficult to gain access onto (from Mount Avenue) at peak times.
- 7.5.2. The substandard nature of the existing road infrastructure has been an issue in the Board's determination of the previous application for residential development on the site (PL15.244460). The deficiency is also recognised in the Dundalk and Environs Development Plan (see section 5.2 above) and there are longstanding objectives to upgrade the road.
- 7.5.3. The applicant proposes the following works as part of the development:

- A new junction with Headford estate, with sightlines of 2.4m x 45m in each direction.
- Upgrading of the junction of Headford estate road with Mount Avenue to provide **2.0m x 45m** sightlines in each direction (to avoid impact on stone wall or trees at this location and third-party lands).
- Upgrading of c.550m of Mount Avenue from c.75m south of the its junction with Headford estate to c.90m south of its junction with Castletown Road, to provide a 6m wide road along this length, with a 2.0m footpath on the eastern and western side of the road for most of its length.

7.5.4. The works fall within the red line application boundary, over which the applicant has control (see Appendix B, applicant's response to appeal).

7.5.5. Within the speed limit of 50km/h, DMURS set out a visibility splay requirement of 45m x 2.4m, with the potential for reduction to 45m x 2.0m in difficult circumstances, where vehicle speeds are slow and flows on the minor arm of the junction are low.

7.5.6. Trip generation. The applicant's Traffic and Transport Assessment is based on original surveys of baseline flows in 2007 which were updated in 2014 (see Table 5 and 6). Predicted trips are estimated for the proposed development, with it generating **peak flows of c.47 two-way trips and total daily trips of 377 two-way trips per day** (see TTA and applicant's response to appeal, page 6 of Appendix A). This number of peak trips and total trips seem reasonable for the scale of the proposed development (80 units). Vehicle movements are assigned based on observed patterns, with an additional 33 vehicles using the Castletown Road junction in the AM and PM peak and fewer vehicles using the Mount Avenue junction (see page 22, TTA).

7.5.7. New junction with Headford estate road. The proposed sightlines at the junction of the proposed development/Headford estate satisfy requirements for junctions within the 50kmph speed limit zone set out in DMURS. The planning authority, in their decision to grant permission, require the provision of replacement speed ramps on the estate road, either side of the proposed junction. This approach seems reasonable and would further control traffic speeds in the residential area.

- 7.5.8. Upgrading of junction of Headford estate road and Mount Avenue. Section 2.7 of the applicant's Traffic and Transport Assessment refers to €3.3m approved under the Local Infrastructure Housing Activation Fund (LIHAF) for the upgrading of Mount Avenue. It is stated that the works will provide a 4.5m x 90m visibility splay at the Mount Avenue and Headford estate. The applicant states that this work is due to commence in 2020 and be completed by the end of that year.
- 7.5.9. In advance of these works, the applicant's proposed a reduced setback of sightlines at the junction. Having regard to the relatively modest flows on the minor arm of the Headford estate/Mount Avenue junction and modest traffic speeds observed on Mount Avenue (given the substandard nature of the road), I consider that this reduction would satisfy the requirements of DMURS.
- 7.5.10. Mount Avenue Upgrade. The applicant proposes upgrading c.550m of Mount Avenue. This approach seems reasonable, in principle, in the context of the scale of the proposed development. Furthermore, the upgrade will take place within the context of the Part VIII works for the overall improvement of 2.0km of Mount Avenue i.e. the length of Mount Avenue from Castletown Road to Lis na Dara estate (depicted in an attachment to the appellant's response to the appeal and in the history file, ABP-300163-18, Traffic and Transport Assessment, Appendix A). Funding for the Mount Avenue Road Upgrade was approved by government in 2017 (see attachments).
- 7.5.11. There are no details on file regarding the nature of the proposed works, their current status or overall timescale for completion. The Board may wish to seek further information in this regard. However, I am mindful that LIHAF funding has been secured for the upgrading of the road and the Department's description of LIHAF projects states that the works were identified on foot of the Boards decision to refuse permission for housing on lands due to poor road infrastructure.
- 7.5.12. LIHAF funding is available to provide public off-site infrastructure to relieve critical infrastructure blockages and enable the accelerated delivery of housing on key development sites. The planning authority has actively sought funding from government, has set out their intention to draw down this money with works progressing in conjunction with the CPO process and there is evidence that works

are being actively progressed to ensure that the upgrade is put in place (e.g. connectivity via Lis na Dara, which is in placed).

- 7.5.13. Having regard to the above, I consider that there is funding mechanism and reasonable timescale for the Mount Avenue Road Upgrade project and that the proposed development, which will increase traffic on Mount Avenue and provide for part of its upgrade, is acceptable within this context.
- 7.5.14. Mount Avenue/Castletown Road junction. With the upgrading of Mount Avenue, the applicant states that this junction will be upgraded to a priority-controlled junction, with appropriate forward visibility on all approaches. Furthermore, the applicant refers to the Tobin Consulting Engineers Report 'Mount Avenue Road Link Road' (2007) in respect of the future development of 1,200 residential units on the Mount Avenue Road masterplan lands and its conclusions that the trips generated by the proposed housing could be accommodated on the Mount Avenue/N53 Castletown Road junctions.
- 7.5.15. In the short term, the applicant states that the additional trips that will be generated by the development can be safely accommodated within the existing junction due to (a) the limited additional flows through the junction, representing less than 5% of the existing flows through the junction (see page 23 of TTA) and (b) the low incidence of accidents at junction (see response to appeal).
- 7.5.16. As stated, from my inspection of the site I would accept the appellant's view that this junction is sub-standard in its current form, with reduced sightlines to the east and heavy flows on the N53. However, the additional number of trips moving through the junction are not significant. Whilst the additional traffic generated by the development would inevitably add to delay and congestion at the junction (e.g. queuing to join the N53 in the AM peak hour), I do not consider that such an impact would be of such significance to refuse permission for the development, particularly within the wider context of the planned upgrade to Mount Avenue.
- 7.5.17. Notwithstanding the applicant's assessment of the junction i.e. that it will work safely with the proposed development as a priority junction, the applicant proposes traffic lights to improve the functionality of the junction. However, the arrangements are deemed not be acceptable by the planning authority for the reasons stated, including the need for a revised TIA to support the provision of lights at the location. Given the

high traffic flows on this road, I would accept this argument and, for the reasons stated above, consider that these short-term works are unnecessary.

7.6. Section 28 Guidelines

- 7.6.1. **Density and integration/connectivity.** The National Planning Framework sets out strategic goals to provide compact cities, a well-designed public realm and increased residential density in the interest of sustainability (strategic objectives, national policy objectives 13 and 35).
- 7.6.2. The Government's Guidelines on Sustainable Residential Development in Urban Areas require the development of outer suburban/greenfield sites at a density of 35-50 units per hectare, in the interest of land efficiency, with development at net densities less than 30 dwellings generally discouraged. Section 5.12 states that '*to facilitate a choice of housing types within areas, limited provision may be made for lower density schemes provided that, within neighbourhood or district as a whole, average densities achieve any minimum standards recommended above*'.
- 7.6.3. The proposed development comprises a residential scheme at a density of 29 units per hectare. The applicant argues that this is appropriate given the relatively small size of the site, its location within the Mount Avenue Master Plan area, the proposals to provide higher density development to the west of Mount Avenue, the overall net density to be achieved in the master plan area (c.35 dwellings per hectare) and the objectives of the master plan to respect the form of adjoining development.
- 7.6.4. The Master Plan for Mount Avenue provides for the residential development of the appeal site. Density of development is not indicated for the appeal site (or wider area), but the Plan does refer to density of the residential blocks '*highest at the Civic and Commercial Centre and ... reducing as the Masterplan radiates from this centre*' (Mount Avenue Area Masterplan Urban Form).
- 7.6.5. The Plan was prepared in 2006 and consequently pre-dates current section 28 Guidelines. Notwithstanding this, I would accept that there is an argument that density should be reduced as the scheme abuts existing low-density development, to accommodate the topographical changes on site, wider archaeological constraints (see below) and the likely higher densities in the area of the proposed civic and commercial centre. I note that the proposed development differs from that proposed

under history file ABP-300163-18 (20 units/ha) and now includes apartment development and terraced residential properties on the smaller site area.

- 7.6.6. I am satisfied therefore that there has been an attempt to increase density on site (and building height) and that the density proposed, within the specific site context is acceptable.
- 7.6.7. Notwithstanding the above, the proposed development comprises part of a larger development area, as shown on Site Layout Plan, sheet 1 of 2, drawing no. 1420-PA-003. There is limited information on the detailed design of this larger area and it raises concerns regarding piecemeal development. For example, addressing matters such as overall density, satisfying DMURS particularly in terms of connectivity to adjoining lands, provision of public open space and childcare facilities (typically required where >75 residential units are provided). The Board may wish to seek further information in this regard. However, subject to the comments I make below, I am satisfied that the scheme proposed on the appeal site is acceptable and that the issues outlined above could be addressed in a subsequent planning application for the remaining lands.
- 7.6.8. **Detailed house design.** I note that the aggregate bedroom area for C3 houses is - 4.22sqm below standard and private open space is less than 80sqm provided for two of the 3-bedroom houses, B4. These matters could be addressed by condition.
- 7.6.9. **Topography.** There is a substantial change in levels across the appeal site and from the information on file, the proposed development will in effect cut and fill across the site, lowering levels to the west and increasing levels to the east of the site. The resultant change in levels across the site (see Site Sections/Contextual Elevations, drawing no. 1420-PA-005) are not unreasonable. However, the resultant levels have consequences for the development of adjoining lands which would need to be addressed in the detailed design of any future development on these lands.
- 7.6.10. **Public open space (qualitative issues).** Under PL15.244460, one of the reasons for refusal was the inadequate provision of open space, quantitatively and qualitatively. The current Dundalk and Environs Development Plan sets out a requirement for 14% of site area to be provided as public open space (the County Development Plan sets out a requirement for 15%), with no space less than 200sqm

and no boundary/edge less than 10m. Table 6.5 indicates provision of a children's play area when 100-199 dwellings are proposed.

7.6.11. In this instance the applicant provides 0.42ha or 15% of the 2.78ha site area. The space is provided in three areas, to the northwest and south east of the site (Local Green Areas nos. 1 and 2) and a pocket park to the mid-west of the site. Local Green Area no. 1 and the pocket park directly adjoin an area of public open space designated in the Development Plan (see attachments) and are overlooked by housing or an apartment block. However, there is up to c.5m difference in levels between the adjoining areas, therefore, limiting connectivity and integration of areas (in particular, for the pocket park). Green Area no. 2 is partly framed by car parking and overlooked by the apartment block and semi-detached units nos. 18 and 19. Its eastern and southern boundaries lies outside of the application site with the indicative layout showing that they would be further overlooked by residential units (see Site Layout Plan). This green space is also affected by a change in levels of c.4m and is designed as a series of landscaped walkways and sitting out areas.

7.6.12. Having regard to the above, I consider that the open space areas are adequate, quantitatively, to serve the proposed development and subject to condition, also qualitatively i.e. that detailed design provides high quality spaces, the provision of both active (e.g. flat kick about areas) and passive recreation, connectivity where practicable and the provision of a small children's play area in the pocket park.

7.6.13. **Archaeology.** The applicant's Archaeological report (Archaeological Testing, 2017) refers to an assessment of the archaeology/archaeological potential of the applicant's wider landholding. It refers four separate archaeological appraisals carried out, a desk study and separate geophysical survey in 2014 (licence no. 14R0135), archaeological testing of the main part of the site in December 2014 (licence no. 14E0446) and test trenching of small additions to the main site in October 2017 (licence no. 17E0501). No new archaeological features were identified in this survey work. Two features were identified on outside of the current application site, to the north east and south east of it (see Site Layout Plan):

- LH007-034 – This is a souterrain and will not be directly affected by the development.

- LH007-133 – Settlement evidence (hearth and collection of pits and postholes, with sherds of pottery). This site was identified and excavated in 2000 under licence no. 00E0299.

7.6.14. On file are comments on the proposed development by the Department, sought by the planning authority. These recommend archaeological monitoring of ground disturbance in the proximity of LH007-034 and a conservation plan for the site of the souterrain and the area in which it is to be preserved.

7.6.15. Works to Mount Avenue lie to the east of Castletown Motte, a National Monument (NM388) and Local Archaeological Heritage Site (Dundalk and Environs Development Plan 2009 to 2015). In section 4.0 of the applicant's Statement of Consistency Report, it is stated that the applicant consulted with the Department of Culture, Heritage and the Gaeltacht regarding the proposed groundworks and that the Department recommended monitoring of these works should take place under Ministerial consent. There is no copy of this correspondence with Department on file or reference to the monument in their comments on the planning application (see above). However, road works in the vicinity of the national monument are quite modest (see Proposed Road Upgrade Layout, Sheet 1 of 3, Drawing P210) and I would recommend, therefore, if the Board are minded to grant permission, that this be subject to archaeological monitoring under Ministerial consent, as proposed by the applicant.

7.6.16. **Surface water management.** The applicant proposes managing surface water on site principally via two mechanisms, permeable paving and underground attenuation in Green Area 2. The underground attenuation tank is removed from sites of known archaeological interest. Whilst the efficacy of the proposed system has been accepted by the planning authority, I note that the surface water management system provides a limited approach to source and site control. If the Board are minded to seek further information from the applicant, this matter could be addressed.

7.6.17. **Protected View.** I note that the protected view from Mount Avenue, to the east, will not be affected unduly by the proposed development due to the proposed finished floor level of dwellings on the northern part of the site and relative road level (e.g.

unit 20 has a FFL 22.5 and maximum ridge height of 8.101m, road level in the area of the protected view is >32).

7.6.18. **Trees.** I note from the Tree Survey and arboricultural impact assessment that a number of trees in good condition are to be removed from Mount Avenue to facilitate road widening. Trees at the entrance to Headford estate will largely be retained. If the Board are minded to grant permission, I would recommend that the applicant be required to submit for written agreement, detailed arrangements for road upgrading works to demonstrate how mature trees to be retained at the junction of Headford will be protected.

8.0 Appropriate Assessment

8.1. The proposed development is situated c. 1km to the south west of Dundalk Bay SPA and c.2km to the west of Dundalk Bay SAC/NHA. Castletown River, to the north of Castletown Road flows into the estuary.

8.2. Conservation interests of the SAC are:

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

8.3. Conservation interests of the SPA are:

- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Greylag Goose (*Anser anser*) [A043]
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
- Shelduck (*Tadorna tadorna*) [A048]
- Teal (*Anas crecca*) [A052]
- Mallard (*Anas platyrhynchos*) [A053]
- Pintail (*Anas acuta*) [A054]
- Common Scoter (*Melanitta nigra*) [A065]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Ringed Plover (*Charadrius hiaticula*) [A137]
- Golden Plover (*Pluvialis apricaria*) [A140]

- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Knot (*Calidris canutus*) [A143]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Herring Gull (*Larus argentatus*) [A184]
- Wetland and Waterbirds [A999]

8.4. Situated at distance from the European sites and adjoining an established urban area, the development will have no direct effects on either site. Indirect effects may arise from emissions from the development, principally from the discharge of wastewater and surface water. Wastewater will be discharged into the existing Dundalk urban waste water system and, as stated in the applicant's appropriate assessment screening report, will result in an increase in the volume sent to the municipal plant in the town, which ultimately discharges into Dundalk Bay (Castletown Harbour, licence no. D0053-01). The 2018 Annual Environmental Report for the facility states that the WWTP is operating within capacity (see attachments) but was non-compliant with the emission limit values set out in the wastewater discharge licence and may be contributing to water quality in Castletown Estuary and Inner Dundalk Bay (Moderate status). Non-compliance was stated to arise from the plant not being designed for TN and TP removal (Total Nitrogen and Total Phosphorus). The report identifies improvements to address deficiencies, including the installation of nutrient removal processes, with works commencing in 2017. Neither the Standard Data Form for Dundalk Bay SAC or SPA identify pollution from industrial plants (including UWWT) as a significant threat.

8.5. The proposed development comprises a very modest development in the context of the capacity of the plant (120,000 PE). Whilst non-compliant with emission limit values, the WWTP is not identified as a significant threat to the conservation interests of the SAC or SPA. Consequently, on the basis of the scientific information

available, I do not consider that the proposed development will significant effect on the conservation interests of either European site.

- 8.6. With regard to the discharge of surface water, this will be directed through a hydrocarbon filter with a controlled outlet to greenfield rates to the public surface water sewer running along the eastern boundary of the site. The appropriate assessment screening report states that this discharges to Castletown Estuary to the north of the site. There is no further information on this on file, however, in principle, I would accept that subject to appropriate design of the hydrocarbon filter and flow control mechanisms, the proposed development is unlikely to adversely impact on water quality in Castletown River, or therefore the downstream European sites.
- 8.7. The proposed development interacts with no other European sites and is not proposed in conjunction with any other significant development in the area of the site.
- 8.8. Having regard to the above, I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000455 or 004026, Dundalk Bay SAC and SPA respectively, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

- 9.1. Having regard to the matters raised in this report, I recommend granting permission for the development subject to conditions. However, as stated, the Board may wish to seek further information in respect of Mount Avenue upgrade (status and timescale for works), development framework for adjoining lands and additional SUDS measures.

10.0 Reasons and Considerations

Having regard to the scale and nature of the proposed development, which includes the substantial upgrading of Mount Avenue in the vicinity of the site, and the LIHAF funding secured for the Mount Avenue Road Upgrade project, it is considered that,

subject to compliance with the conditions set out below, the proposed development would not give rise to traffic hazard and would, therefore, be in accordance with the proper planning and development of the area.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No work shall commence on site until the visibility splays at the proposed access junction have been provided to the satisfaction of the planning authority (Drawing no. 14-067-P205).</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>Prior to the commencement of development, details shall be submitted to the planning authority for written agreement in respect of:</p> <ul style="list-style-type: none"> i. Replacement flat top ramps on either side of the access road to the development within the Headford housing development. ii. Revised details for units C3 and B4 to provide aggregate bedroom areas in accordance with Quality Housing for Sustainable Communities, 2007 and 80sqm of private open space per unit (respectively). iii. Means to protect trees to be retained on site during construction, as set out in Tree Survey and Arboricultural Impact Assessment. <p>Reason: In the interest of residential and visual amenity.</p>

4.	<p>A comprehensive 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:-</p> <ul style="list-style-type: none"> a) details of all Green Areas which shall provide for active and passive recreation and provision of children’s play equipment in the pocket park; b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; d) details of proposed street furniture, including bollards, lighting fixtures and seating; e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes and means to integrate <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual and residential amenity and biodiversity.</p>
5.	<p>Prior to the occupation of any dwellings, Mount Avenue shall be upgraded in accordance with the plans and particulars submitted, to the satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

7.	<p>Site development and building works shall be carried out only between 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenities of property in the vicinity.</p>
8.	<p>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.</p> <p>Reason: In the interest of public safety.</p>
9.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and means to manage speeds within the development, shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of traffic safety.</p>
10.	<p>Design and construction of the proposed retaining walls shall be supervised and certified by a competent independent Structural Engineer.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<p>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.</p>

	<p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
13.	<p>Proposals for a building 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 building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
14.	<p>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.</p> <p>Reason: In the interest of orderly development and sustainable waste management.</p>
15.	<p>Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p>

	<p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>The construction of the proposed 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, noise and dust management measures, means to minimise debris on the public road and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
17.	<p>A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>The developer shall facilitate the archaeological appraisal of the site in the vicinity of National Monument NM388, Castletown Motte, and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p>

	<p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
19.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>

20.	<p>Prior to the commencement of the development, a conservation plan for the site of the souterrain (RMP No. LH007-034) which is to be preserved shall be submitted to the planning authority for written agreement.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site</p>
21.	<p>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.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
22.	<p>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.</p>

<p>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.</p>

Deirdre MacGabhann

Planning Inspector

4th June 2019