



An
Bord
Pleanála

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

Inspector's Report ABP-303891-19

Strategic Housing Development	142 apartments
Location	Inner Relief Road (R215) and Dublin Road (R132), Dundalk, Co. Louth.
Planning Authority	Louth County Council
Applicant	Jan C. Van Dijk
Prescribed Bodies	Irish Water Transport Infrastructure Ireland Department of Arts, Heritage and the Gaeltacht
Observers	Merit Holdings Ltd Niall Carroll

Carmel Martin

Date of Site Inspection

2nd May 2019

Inspector

Sarah Moran

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1.0 Introduction

- 1.1. 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 is located on the southern side of Dundalk, c. 2 km from the town centre and c. 2.5 km to the east of M1 junction 16. It is within the 50 kph speed zone. The Dundalk Inner Relief Road (R215, formerly the N52) forms part of the northern site boundary and the R132 (old Dublin Road) forms part of the western boundary. The Crowne Plaza hotel is adjacent to the north of the site, with its vehicular access immediately opposite the northern site boundary on the R215. The Finnabair Industrial Estate is adjacent to the north east, accessed via the R215. There is also an ESB substation to the east, adjoining the applicant's lands, with a separate access from the R215. Part of the Dundalk Institute of Technology (DKIT) campus is to the north of the site, on the opposite side of the R215. Dundalk Golf Club is nearby to the east. The Xerox Technology Park is immediately opposite the western site boundary on the Dublin Road. The lands to the south and south-west of the site are undeveloped and are in agricultural use.
- 2.2. The site has a stated area of 2.16 ha and slopes gently down from east/south-east to west. It is currently in agricultural use. The site has an irregular shape as it is situated within a larger 'blue line' area of lands in the applicant's ownership, on which permission for a mixed use development was granted under PL.15.247927. The red line site boundary includes a vehicular access to the R215 to the north of the site opposite the access to the Crowne Plaza hotel, which was permitted under PL.15.247927. The site is bound to the west by a row of individual residential properties along the R132 and is accessed from the R132 via a narrow strip of land between two separate residential properties.
- 2.3. There is a wayleave running north to south along the western site boundary, associated with an existing foul sewer. There is a Right of Way at the northern site boundary between the R215 and the Finnabair Industrial Estate.

3.0 Proposed Strategic Housing Development

3.1. The development involves 142 no. apartments as follows:

UNIT TYPE	NO. OF UNITS	%
1 bed apartment	58	41%
2 bed apartment	64	45%
3 bed apartment	20	14 %
Total Apts	142	

The development comprises 5 no. buildings (Blocks 1 – 5) of 2-5 storeys height. It has a stated net residential density of 93 units / ha.

3.2. The application also includes:

- Childcare facility (122 sq.m.). Stated potential capacity for 20 children and 4 staff.
- Community room (122 sq.m.)
- Vehicular access to the R215 as permitted under PL.15.247927
- 160 no. car parking spaces and 284 no. cycle parking spaces, all at surface level
- Part V proposals comprising the transfer of 14 no. apartments at the site to the planning authority

3.3. The development is to be phased in 2 stages as follows:

- Phase I Blocks 1, 3 and 4 at the northern end of the site (79 no. units). Also new access to the R215.
- Phase II Blocks 2 and 5 at the southern end of the site (63 no. units)

4.0 Planning History

4.1. PL.15.247927 Reg. Ref. 16/803

4.1.1. Relating to a larger area of 5.06 ha including the development site. Permission sought for a mixed use development comprising 1 no. office building (Block A); 2 no. buildings for Office/ Research and Development/ Science and Technology use (Blocks B and C); 5 no. buildings for Research and Development/ Science and

Technology type uses (Blocks D, E, F, G and H) and 3 no. student accommodation buildings (Blocks J, K and L), all with supporting ancillary services, and associated car parking and bicycle parking provision. The proposed blocks of student accommodation were located at the current development site. The student accommodation consisted of 88 no. units containing a total of 300 no. bedrooms. Block J incorporated an ancillary student office and laundrette at ground floor level. Block K incorporated a café/delicatessen at ground floor level. Buildings ranged in height from 2- 4 storeys with additional roof top plant. Block A incorporated a roof garden. New vehicular access off the R215, to be constructed in the same position as an entrance permitted under ABP Ref. PL.55.237838. The development also included 382 no. car parking spaces and 3 sub-stations.

- 4.1.2. On the 18th July 2017 the Board made a split decision to permit the new access from the R215 and 8 no. buildings containing office/ research and development/ science and technology uses with a combined floor area of c. 7,700 sq.m. (Blocks B, C, D, E, F, G and H) but refused permission for the 3 blocks of student accommodation at the current development site (Blocks J, K and L), for the following stated reason:

It is considered that the proposed development of student accommodation, which is not ancillary to the primary employment land use objective for the subject lands, and which would represent 55% of the proposed floorspace within the subject development, would be in conflict with the provisions of the Dundalk and Environs Development Plan 2008 - 2015, including the EB (Employment and Business) zoning of the site. Furthermore, it is considered that the development of student accommodation at this location would conflict with the Core Strategy, as set out in the current Development Plan, wherein the subject site is not included in the demarcated phasing of residential development for the town and environs, and that any development of student accommodation, or other forms of residential development on the subject lands, would be premature pending a review of the Dundalk and Environs Development Plan 2008 - 2015 and of the Mullagharlin Framework Plan 2008, in the light of the adoption of the Core Strategy in 2011. The proposed development of student accommodation would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. PL.15.237838 Reg. Ref. 10/09, 15/344

- 4.2.1. Permission granted for new entrance onto the R215, to serve the development permitted under 06/1624. The duration of the permission was extended under ref. 15/344 until 06/09/17.

4.3. Reg. Ref. 06/1624

- 4.3.1. Permission granted for 2,800 sq.m. 4 storey office building with basement parking. The duration of the permission was extended under ref. 12/59 until 16/09/17.

5.0 Section 5 Pre- Application Consultation

5.1. Pre-Application Consultation ABP-302758-18

- 5.1.1. The pre-application consultation related to a proposal to construct 142 no. apartments, crèche, community room and associated works at the development site.
- 5.1.2. A section 5 consultation meeting took place at the offices of Louth County Council on 21st November 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:
1. Further consideration of the documents as they relate to compliance with the zoning of the site. Adequate information needs to be submitted with any application that would allow the Board to determine whether the proposed development would meet definition of “strategic housing development” set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
 2. Further consideration of the documents as they relate to compliance with other provisions of the development plan and the 2008 Mullagharlin Framework Plan. In particular the submitted documentation should be sufficient to demonstrate compliance with the core strategy for the county and the provisions of the framework plan regarding the appropriate proportion of residential development in this area, having regard to the reason for refusal stated by the board in its

decision on appeal PL.15. 247927, Reg. Ref. 16/803, or if should be sufficient to justify any material contravention of the provisions of the development plan and/or the framework plan.

3. Further consideration of the documents as they relate to access to the development and connectivity to the rest of the town. This should include proposals to provide access from the public road as part of the proposed development in line with the currently applicable standards in DMURS and the National Cycle Manual. The documentation should also illustrate pedestrian and cycle links to the wider town including to the locations of services, employment and public transport facilities, and provide full details of any proposed links to the Dublin Road and of any proposed works to the public road. The prospective applicant should consult with the planning authority and take due regard of its requirements in this regard.
4. Further consideration of the documents as they relate to the co-ordination of the proposed development with the adjoining authorised development. This should include details of the phasing of development across the two sites and the provision of supporting or shared infrastructure for them.

5.1.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. A Transport and Traffic Impact Assessment report and drawings showing of any proposed works to public roads.
2. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles.
3. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
4. A building lifecycle report in accordance with section 6.13 of the 2018 guidelines.
5. An analysis of the demand for childcare facilities in the area and the extent to which the proposed development would meet it.
6. A draft construction management plan and
7. A draft waste management plan.

5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

5.2.2. Zoning and Definition of SHD Response

- The development is for over 100 houses on land zoned for residential use or for a mixture of residential and other use. It involves 142 no. apartments on lands the zoning of which allows for residential uses.
- The definition of SHD does not require lands to be zoned solely for residential development but includes lands with mixed use zonings that allow for residential. The development site is zoned 'Employment and Business' (EB) under the Dundalk and Environs Development Plan 2015-2021 (DEDP) with the objective "To provide for employment and supporting residential". Residential (Ancillary) is listed as a land use that is 'Open for Consideration' on lands zoned EB. Footnotes to the development plan zoning matrix state that any residential proposal within the EB zoning shall comply with the Mullagharlin Framework Plan and shall be considered only as part of a mix with economic/ employment uses. Residential (Ancillary) is described as "relates to limited residential development ancillary to the permitted development". The site zoning therefore facilitates a mixture of residential and other uses.
- The development site is within the Finnabair South Character Area of the Mullagharlin Framework Plan. The framework plan states that 40% of the Finnabair South Character Area should be developed for residential. The Finnabair South Character Area is the only area in the framework plan lands (an area of c. 450 ha) where residential is not only allowed but expressly required.
- SHD has been permitted on lands with mixed use zonings and on zonings where residential development is "open for consideration", e.g. ABP-300559-18 for the development of 536 no. residential units on lands zoned Objective Z15 in the Dublin City Development Plan 2016-2022 to "protect and provide for institutional and community uses and to ensure the existing amenities and protected". ABP permitted this development, notwithstanding the decision was subsequently quashed for environmental (not zoning) issues. Circular Letter PL3/2017 provides that where a large housing development proposal consists of other non-

residential uses which exceed the parameters, the residential element of the project can be progressed separately under the SHD arrangements, as part of the phasing of a development, with the non-residential element being progressed as a separate planning application made directly to the local planning authority in the normal way.

- It is submitted that the approach taken by the applicant is fully in keeping with the zoning objective of the DEDP, the development control parameters of the framework plan and meets with the definition and content of SHD.
- The residential gross floor space amounts to 97% of the total gross floor area proposed. The crèche and community room measure 244 sq.m or 2% of the total floor area proposed. They do not exceed the limitations of the definition of SHD. It is submitted the “other uses” are not “commercial” but are uses that support the development.

5.2.3. Compliance With Development Plan and Mullagharlin Framework Plan Response

- The Board’s refusal reason for student accommodation on the development site under PL.15.247927 does not mention material contravention of the development plan or the framework plan. It would be unfair and unreasonable to now decide that residential development on the lands does in fact constitute a material contravention of the development plan.
- The development plan core strategy does not apply to the application site. The controls in place for the intended level of residential development on lands zoned EB are provided by the Mullagharlin Framework Plan. Residential development in this area serves not only to provide additional residential accommodation to Dundalk, but to assist in the creation of a business district as envisaged by the framework plan and to support employment land uses in direct proximity. The intention of the core strategy is clear in the omission of mixed used development under CS 2 and the retention of Residential and Residential (Ancillary) within the zoning matrix for lands zoned EB. In comparison, when the core strategy was introduced to the DEDP by variation, residential was specifically removed from the zoning matrix as it applied to lands with a similar zoning objective ‘Business Park/New Economy Business’.

- The primary objective in the framework plan for the Finnabair Character Area is “To provide for employment and supporting residential”. This zoning objective extends to 52 ha of land in the vicinity of the application site that are entirely contained within the Mullagharlin Framework Plan. Apart from 2 small areas of land zoned Residential to the rear of existing residential properties on the Dublin Road and Old Golf Links Road, most lands within the Finnabair South Character Area are zoned EB. The framework plan clearly requires 40% of the overall site area of Finnabair South to be developed for residential use. The development site represents 3% of the Finnabair South Character Area and 30% of the development cell where 7,680sq.m of employment uses are permitted under PL.15.247927.
- The development fully complies with the County Development Plan core strategy. Dundalk is identified as a Large Growth Town. The core strategy allocates 1,600 residential units to Dundalk to cater for the expected growth in population during the Plan period 2016-2021 (Table 2.4). While the number of residential units completed in the County has improved year on year, there is still significant capacity in terms of the allocation to Dundalk in combination with the predicted demand generated by the growth of employment in the Dundalk South area.

5.2.4. Development Access and Connectivity Response

- The proposed access to the public road was permitted under PL.15.247927 but is contained within the application red line site boundary. Proposed works to the public road largely comprise revised road markings and changes to the timing of the existing signalised junction.
- Drawing no. 1611-SHD-003 details the proposed pedestrian and cycle links to the R132 and R215. Cycle tracks and connections to the public road are in compliance with DMURS and the National Cycle Manual. The design has been assessed as part of the submitted Road Safety Audit and details of DMURS compliance are contained within the TIA.
- The submitted Statement of Consistency and Design Statement detail the site’s proximity to public transport routes, footpaths and cycle lanes and the location of services and employment.

- The submitted Mobility Management Plan (MMP) considers the site to have a moderate modal share for sustainable transport modes with good walking, cycling and public transport connectivity. The 2016 Census shows that Dundalk already has a relatively high percentage of workers commuting by bicycle at 4.9%, compared with Drogheda at just 1.5% and a State average of 2.9%. In addition, 12% of workers in Dundalk commute on foot. The location of the development will further support a modal shift and encourage sustainable modes of transport.

5.2.5. Co-ordination with Adjoining Authorised Development Response

- The proposed development and that permitted under PL.15.247927 can be implemented independently or together, and phasing, engineering and the access road are designed to accommodate this approach.
- The new entrance onto the R215 and access road as previously permitted under PL.15.247927 are included within the application site and will be provided in Phase 1 of the development.
- The proposed phasing plan has been taken into consideration in the design of foul and surface water catchment and runoff within the site. The development is not dependent on the implementation of any infrastructure under PL.15.247927 or any third party lands.

6.0 **Relevant Planning Policy**

6.1. **National Planning Framework**

6.1.1. National Policy Objective 2b:

The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda-Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.

6.1.2. National Policy Objective 3c:

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

6.1.3. Section 3.2 Eastern and Midland Region, Louth/North East. The NPF states that the key driver for this regional area is the Dublin-Belfast cross-border network, focused on Drogheda, Dundalk and Newry. It will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure that they have the capacity to grow sustainably and secure investment as key centres on the Drogheda-Dundalk-Newry cross-border network.

6.1.4. National Policy Objective 7:

Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a focus on:

- *Dublin;*
- *The four Cities of Cork, Limerick, Galway and Waterford;*
- *Strengthening Ireland's overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor;*
- *Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;*
- *Reversing the stagnation or decline of many smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities;*
- *Addressing the legacy of rapid unplanned growth, by facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to the cities, together with a slower rate of population growth in recently expanded commuter settlements of all sizes;*
- *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*

6.2. **Section 28 Ministerial Guidelines**

6.2.1. The following is a list of relevant section 28 Ministerial Guidelines:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ including the associated Urban Design Manual.
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Framework and Principles for the Protection of Archaeological Heritage’ (Dept. of Arts, Heritage, Gaeltacht and the Islands, 1999)
- ‘Urban Development and Building Heights Guidelines for Planning Authorities’

6.3. Eastern and Midland Regional and Spatial Economic Strategy

- 6.3.1. At the meeting of the 19th October 2018, the Eastern and Midland Regional Assembly (EMRA) prepared a draft Regional Spatial and Economic Strategy (RSES) for the period 2019-2031.
- 6.3.2. The draft RSES notes that Dundalk has the potential to form part of a sustainable network of centres of scale, including Newry, connected by public transport within the Region and within the Dublin-Belfast Economic Corridor. Dundalk in particular, due to its proximity to Newry, provides for enhanced cross border interactions which, if promoted, can help to realise the growth potential of Drogheda-Dundalk-Newry as an important cross border network for regional development. Dundalk has also been identified as one of the fastest growing towns in the country in the most recent inter-census period. Dundalk has a strong economic and employment base with a healthy equilibrium between resident workers and jobs and an established ‘Louth Pharma Hub’. Furthermore, the presence of Dundalk Institute of Technology provides a key driver for an enterprise ecosystem along with the existing sectoral clusters.
- 6.3.3. Regional Policy Objective RPO 4.15 applies:

An Urban Area Plan (UAP) shall be prepared by Louth County Council for Dundalk to provide a coordinated planning framework to identify and deliver strategic sites and regeneration areas for the future physical, economic and social development of the

town to ensure targeted compact growth of a minimum of 30% is achieved. The UAP shall facilitate the sustainable, compact, sequential growth and urban regeneration in the town core by consolidating the built footprint of Dundalk through regeneration of the town centre Core Character Area with a focus on rejuvenation of Clanbrassil Street / St. Nicholas Quarter and development of key town centre infill / brownfield sites in this area. A significant proportion of future urban development shall be accommodated on infill/ brownfield sites by encouraging development, including renewal and regeneration of underused, vacant or derelict town centre lands for residential development to facilitate population growth.

The draft RSES also lists RPOs for Dundalk in relation to promoting and enhancing cross-border interactions to realise the growth potential of Drogheda-Dundalk-Newry as an important cross border network for regional development; enhancing Dundalk's role as a strategic employment centre on the Dublin-Belfast Economic Corridor and the identification of suitable sites for new industry including FDI; supporting the role of Dundalk Institute of Technology as a centre of excellence for education; enhancing potential for economic development and regeneration at Dundalk Port / Harbour area; supporting social inclusion measures and supporting the proposed Dundalk Flood Relief Scheme.

- 6.3.4. Public consultation on the draft RSES was carried out during the period from 5th November 2018 to 23rd January 2019. Following public consultation on the draft RSES, the members of the EMRA agreed to make the RSES incorporating proposed amendments at the Assembly meeting of 1st March 2019. Several proposed amendments were deemed material and were subject to a further public display period from 15th March to 12th April 2019. The proposed material amendments include the following:

v. Support the implementation of the Dundalk Urban Design Framework Plan (2008) or any update thereof.

Following the public consultation, the amended RSES was adopted by the EMRA members on Friday 3rd May 2019. I understand that the amended RSES is to be made on June 28th 2019.

6.4. Louth County Development Plan 2015-2021

- 6.4.1. The core strategy of the Louth County Development Plan identifies both Dundalk and Drogheda as Large Growth Town I, at the top of the county settlement strategy. Table 2.4 provides a population target of 46,622 for Dundalk and environs in 2021. This represents an increase in population of 4,322 or 1,600 equivalent residential units developed at an average density of 42 units/ha. A total of 51 ha of housing land is required to achieve these targets, resulting in an excess of 796 ha over the current zoned land area.

6.5. Dundalk and Environs Development Plan 2009 (as extended)

- 6.5.1. The DEDP development strategy divides the urban area into 6 development areas, of which the development site is located in the Blackrock/ Haggardstown area, which has the following stated objective:

To preserve the distinctive character of Blackrock Village, to promote new residential development and prepare a development framework plan for the area.

Section 2.2 notes that a number of framework/master plans have already been prepared including the Mullagharlin Framework Plan relating to lands within this development area. The provisions of these plans including the Mullagharlin Framework Plan, are incorporated as guidelines into the overall development strategy for the plan area. If any conflict arises between the provisions of any of the existing plans the development plan will, at all times, take precedence. The Dundalk Town Council boundary runs along the R215 to the north of the site.

- 6.5.2. Development plan Map 1 indicates that the site is within an area zoned 'Employment and Business' (EB), which has the stated objective:

To provide for employment and supporting residential

Development plan Table 2.4 provides a zoning matrix. Residential development is 'open for consideration' in the EB zone. Footnote 6 of the zoning matrix relates to residential development in the EB zone and states:

- *Any residential proposal within the Employment & Business use (EB) shall comply with the Mullagharlin Framework Plan and shall be considered only as part of a mix with economic/ employment uses.*

- *Residential proposals within the agricultural use shall be permitted for persons who are principally employed in agriculture or their sons or daughters.*
- *Development proposals within mixed use zonings shall incorporate a range of uses with no single dominate use.*

In addition, the use 'residential ancillary' is also open for consideration in the EB zone. Footnote 3 defines this use as follows:

Relates to limited residential development ancillary to the permitted development.

6.5.3. A small portion of the site to the north-east (location of proposed access) is zoned for Employment and Mixed Use Development (EM) with an objective to provide for employment and supporting uses. Residential use is not permitted in the EM zone while residential ancillary is open to consideration.

6.5.4. DEDP Policy EC4 relates to the Mullagharlin Framework Plan:

Implement the objectives and policies contained within the Mullagharlin Framework Plan 2008 in order to create a business park of international quality and global appeal that will enable Dundalk to compete in the global market for business investment.

6.5.5. DEDP section 5.2.2 indicates that the R132 will be developed as a Green Route with cycle lanes and bus priority areas. Table 5.2 states an objective to upgrade the R132.

6.5.6. DEDP Variation No. 1, adopted on August 29th 2011, sets out the core strategy including phasing of development lands for development up to 2015. The DEDP plan area has approx. 858 ha of land zoned for residential development. The Regional Planning Guidelines 2010-2022 indicate that 54 ha of land is required to accommodate their population targets for Dundalk of 4,100 population growth for the plan period with a total population of 42,300 up to 2016. The DEDP core strategy, based on an evaluation of the development areas, prioritises the consolidation of the urban core and part of the Muirhevnamor development areas as critical to enhance and sustain the performance of Dundalk as a Gateway town. It allocates 50 ha of greenfield land within the Mount Avenue/ Castletown area to provide for a population growth for Dundalk for the lifespan of the existing development plan (Phase 1). Beyond the utilisation of these allocated lands the remaining lands zoned as

“Residential 1” and “Residential 2” may then be activated. The core strategy refers to these lands as ‘Phase 2’ and ‘Phase 3’ respectively. Table 2.3 of Variation No. 1 indicates that a total of 129.02 ha of lands within the Blackrock/ Haggardstown development area are designated as Phase 2 with an additional 78.41 ha of lands in Phase 3. Core Strategy Map B indicates the residential phasing. Some lands on the western side of the Mullagharlin Framework Plan area, including the development site, are coloured white and are not within any of the above phases.

6.6. Mullagharlin Framework Plan 2008

6.6.1. The plan was adopted as a variation to the 2003 Dundalk and Environs Development Plan. It relates to an area of approx. 450 ha between the M1 and the Finnabair Business Park, running to the north and south of the Southern Link Access Road (R215, formerly N52) and encompassing the Xerox technology Park, Finnabair Business Park and DKIT. The stated purpose is to bring forward an international standard business and technology park that also allows for a mixture of other uses that enhance the vibrancy of this core land on the outskirts of the town. The ultimate aim is to create a place with a unique identity that has the potential to attract high end investors from Ireland and abroad.

6.6.2. There are several character areas in the plan. The site is within the Finnabair South Character Area (c.47 ha), which is to provide a mixed use area south of DKIT comprising of employment, commercial development, health care, student and residential housing and may incorporate links to the adjacent Dundalk Golf Course. The stated site-specific objective is:

Accommodate a mixed use low energy urban quarter in an attractive landscape setting.

6.6.3. The following objectives apply in the Finnabair South Character Area:

S20 The area shall accommodate a mixture of higher order business uses supported by cafes/restaurants, community facilities, office, health care, residential, business units etc.

Residential use should be in the order of 40% of the overall site. Lower order warehousing and distribution uses are not considered appropriate.

S21 The area shall accommodate residential development at a medium to high density as part of a mix with commercial/ employment uses.

S22 The built form will be consistent with the layout in the Framework comprising perimeter blocks with internal open space, tree lined streets and landscaping buffers. Standard suburban type layouts for residential components will not be appropriate.

S23 Building types shall comprise a mix of typologies and sizes to accommodate a broad range of uses and households.

S24 Bus stops will be provided at key locations throughout the area and will connect with the overall public transport provisions within the Framework area as well as the wider area.

6.7. Statement of Consistency

6.7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan, the DEDP and other regional and national planning policies. The following points are noted.

6.7.2. Consistency with the National and Regional Planning and Economic Policy

- The proposed high density development within an employment centre of regional and national importance and within walking distance of a third level institute of education and extensive employment areas represents compact, sequential and sustainable development in accordance with NPF objectives. NPF Section 4.4 states that planning to accommodate strategic employment growth at regional, metropolitan and local level should include consideration of current employment location, density of workers, land-take and resource/ infrastructure dependency, including town centres, business parks, industrial estates and significant single enterprises; locations for expansion of existing enterprises; locations for new enterprises, based on the extent to which they are people intensive (i.e. employees/ customers), space extensive (i.e. land), tied to resources, dependent on the availability of different types of infrastructure (e.g. telecoms, power, water, roads, airport, port etc.) or dependent on skills availability.
- Dundalk is a long established and proven business location that has been successful in attracting foreign direct investment including multinational

companies such as Irish Life, PayPal, Coca Cola, Prometria, eBay, Warner Chilcott, Xerox, Satir and National Pen. The IDA strategy 'Winning: Foreign Direct Investment 2015-2019' and associated Regional Action Plan have been successful with recent announcements including WuXi as occupants of 26 ha of the IDA Strategic Park at Mullagharlin as well as the expansion of Irish Life, National Pen and Wasdell among others. WuXi have recently been granted planning permission (Reg. Ref. 18/817) for amendments to the permitted biopharmaceutical manufacturing facility to facilitate their detailed operations clearly showing their commitment to locating in Dundalk. The IDA has provided for both new business and expanding businesses in Dundalk with the development of the Strategic Park at Mullagharlin at a cost of €15m, as well as the established IDA Business and Technology Park at Finnabair. Dundalk is well placed to provide for strategic employment growth. The achievement in terms of resident workers and jobs is clearly demonstrated at Appendix 2 of the NPF showing Dundalk to have a ratio of 1:1 – one job for every resident worker. Approx. 1,200 new jobs were recently announced as part of the IDA's plan to attract FDI to Dundalk including Irish Life, National Pen and Wasdell. According to the IDA, construction of an advanced technology building in Dundalk will begin in 2019/2020.

- The development site is in direct proximity to the IDA Business Park at Finnabair and the Xerox Technology Park and to the east of the IDA Strategic Site at Mullagharlin where these jobs will be located. The Statement of Response provides an analysis of the potential accommodation requirements for existing expanding businesses in Dundalk business parks, together with employment developments under construction. This estimates that new employees require over 400 no. dwellings with an additional 200 no. dwellings required for jobs to be provided in the near future. The proposed development is required to support the expansion of employment in Dundalk. The Statement refers to repeated calls from local employers stating that the lack of housing in Dundalk is having a serious negative impact on employment creation decisions. Supporting correspondence from several employers is submitted, i.e. PayPal, National Pen Corporate Services, also copies of press reports relating to the expansion of local employers and a shortage of residential accommodation in Dundalk.

- The development forms part of a site in the ownership of the applicant which has planning permission for 7,680 sq.m of floor space planned for office, science and technology and office/ research uses. Using a conservative employment density of 60sq.m per employee, this development alone has the potential to result in 128 employees on site.
- The draft RSES recognises Dundalk as a Regional Growth Centre on the Dublin Belfast Corridor. Dundalk has been identified for significant population growth to achieve a population of c. 50,000 by 2031. The RSES recognises that Dundalk will accommodate significant new investment in housing, transport and employment generating activity. Dundalk is recognised as having a strong economic and employment base with a healthy equilibrium between resident workers and jobs and an established ‘Louth Pharma Hub’. Furthermore, the presence of DKIT provides a key driver for an enterprise ecosystem along with the existing sectoral clusters.
- The NFP notes that while apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (Census data), Ireland is far behind European averages in terms of the numbers and proportion of households living in apartments, especially in cities and larger towns. Co. Louth is one of the most densely populated in the state containing the major urban centres of Drogheda and Dundalk. The IDA estimated in 2015 that the population within a 60 minute drive of Dundalk is 1,296,061. Together, Dundalk and Drogheda have the largest population catchment in the country after Dublin. Commuting patterns illustrate the attraction of Dundalk within the Region, with a positive overall commuting flow of 2,570 workers. According to the Louth County Development Plan 2015, 69% of the population of the County were classified as Urban in 2011. Dundalk is the third largest town in the state after Drogheda and Swords (CSO 2016). However, apartments represent only 7% of all private households in Dundalk compared to 11% in Drogheda and 12% nationally. The development will offer a type of accommodation in Dundalk that is needed and is currently not available. The provision of appropriate residential accommodation in the right location is critical to maintaining Dundalk’s

competitiveness and to attracting FDI. There is an urgent need for high density apartments near the major employment growth area of South Dundalk. The development responds to this need. It takes an integrated approach to residential accommodation provision in Dundalk. It is designed to meet the specific needs identified by employers to attract employees to Dundalk. The development contains 58 no. 1 bed apartments, or 41% of the overall unit mix on site. This is in direct response to the needs of mobile skilled workers entering the workplace in Dundalk as well as the recognised national trend that moves towards smaller household sizes.

- The Statement of Response cites several regional and national studies, economic plans and policies, which emphasise the role of Quality of Life and residential accommodation in achieving economic growth, ref. the Action Plan for Jobs North East North West 2015-2017; the Rebuilding Ireland Action Plan; the National Competitiveness Council report “Costs of Doing Business in Ireland’ (June 2018); the latest ESRI Quarterly Economic Commentary (Autumn 2018); the American Chamber of Commerce Ireland.

6.7.3. Consistency with Section 28 Guidelines

- The development is in accordance with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities with regard to sequential development, availability of social infrastructure, access to public transport, accessibility, energy efficiency, open space provision, traffic safety, design, social integration, heritage and SUDS. The development has been designed to meet the 12 criteria set out in the Urban Design Manual.
- The apartments meet and exceed the requirements of the Sustainable Urban Housing: Guidelines for New Apartments (2018) in terms of floor area, private amenity space, storage and aggregate floor areas and communal and private amenity space, apartment mix, refuse storage, dual aspect units, floor to ceiling height, lift and stair cores, communal facilities. Private amenity space is provided by way of terraces at ground floor level and balconies on upper floors. All balconies have a desirable aspect and are connected to the main living areas.

Communal amenity space is provided in a variety of forms including a children's play area with a total communal open space provision of 3,120sq.m or 20.5% which exceeds both the Development Plan criteria and the Apartment Guidelines. The apartment mix is in accordance with the Guidelines.

- The development is in keeping with the Urban Development and Building Height Guidelines. The proposed height respects the low density residential development to the west of the site but provides a new urban quarter of compact design and modern form. The 5 storey height along the boulevard is necessary and appropriate.
- The development access and internal roads comply with DMURS.
- A rationale for the proposed childcare provision is submitted with regard to the Childcare Facilities Guidelines, to Circular Letter PL 3-2016 and to relevant policies in the apartment guidelines.

6.7.4. Consistency with the Louth County Development Plan

- The development is in accordance with the strategic aims of the development plan core strategy and settlement hierarchy. It complies with the core strategy household allocations and phasing proposals.
- The development is consistent with development plan economic policies as it seeks to support the growth of employment opportunities by providing apartments on zoned lands within walking and cycling distance of 3 major areas of employment as well as a third level institute of education.
- The development is consistent with development plan policies in relation to residential development, natural and built heritage, transport and services infrastructure and drainage and SUDS.

6.7.5. Consistency with the Dundalk and Environs Development Plan 2009-2015 (as extended) and the Mullagharlin Framework Plan

- The DEDP core strategy phasing applies to mixed use development as well as residential development. The development is on lands not highlighted in Map B of the Phasing Strategy and is not subject to the core strategy.

- The DEDP zoning matrix was not altered by Variation No.1 to exclude residential development on lands zoned EB, as it was in the Drogheda Borough Development Plan where a similar zoning objective ('Business Park/New Economy Business') was amended and residential use removed from the zoning matrix for example. It is submitted that the exclusion of lands from the core strategy such as the application site, was intentional and not an oversight as the residential element within the employment/ business use zone, was intentionally left unchanged for the purpose of facilitating this type of development now proposed.
- Large campus style locations like Intel in Leixlip include accommodation on campus, this has not been a feature of business parks in Dundalk to date. The site is in a mixed use EB zone where residential is a permitted use and the Mullagharlin Framework Plan specifically provides for residential development in the Finnabair South Character area where the application site is located. The development site is therefore suitable for development of this type and the proposed development reflects this vision.
- The development equates to 30% of the total development cell with the remaining site area occupied by employment floor space in the cell permitted under PL.15.247927. The development site represents 3% of the Finnabair South Character Area identified by the Mullagharlin Framework Plan. The site should be seen in the context of the overall framework to provide a mixed use area instead of applying restrictive criteria to individual sites. The development, as part of a mixed use development cell and as part of a framework plan area would not prejudice the development of the remaining Phase 2 lands in Dundalk or undeveloped Phase 1 lands. The development is specifically targeted at employees in Dundalk that require accommodation within walking distance of the employment centres to the east and west of the site and as permitted under PL.15.247927. The applicant notes several SHD proposals on Phase 2 and Phase 3 lands in the Blackrock area of Dundalk that, if permitted, would result in largely standard housing on less sequentially favourable sites.

- There are no Phase 1 lands in proximity to the business parks and employment areas south of the town that are in walking/ cycling distance and directly connected as the application site is. This presents further evidence that it was never the intention to apply the core strategy to the subject lands. Having regard to the EB zoning objective affecting the site and to the fact that this zoning was intentionally not changed as part of the core strategy, it is submitted the proposal is consistent with the DEDP core strategy adopted as Variation No. 1. The proposal is also consistent with the provisions of the County Development Plan core strategy.
- The DEDP core strategy is not in keeping with best practice having created almost a “monopoly” within Dundalk by identifying only one parcel of land to be released as Phase 1. The core strategy is deficient as to the number of ‘effective’ sites that would contribute to housing supply during the Plan period and with no flexibility provided to allow for changes in the housing market and general economy. The core strategy should not be used as tool to control and limit the supply of new housing where it can be justified. It has now become a major barrier to the development of Dundalk as a designated Regional Growth Centre under the RSES and NPF and could now affect Dundalk’s ability to compete at a national and international level. The restriction of housing on zoned lands for mixed use that include Residential, that are serviced and sequential in their location to the urban area of Dundalk is at odds to the sustainable development of the area as envisaged by the DEDP and the County Development Plan.
- Analysis of CSO statistics for the period Q1 2015 to Q4 2018 found that of the 1,352 houses completed in that period, some 382 were single houses that don’t come on to the market and only 70 units were recorded as apartments (5% of the total completions for Louth). There were 47 planning permissions granted for apartments in Co. Louth 2015-2017. A further 19 permissions were granted within the County during 2018 up to Q3 with a total of 175 units between them. A review showed no new substantial apartment developments have been permitted in Dundalk since the adoption of the Core Strategy in 2011.

- The development supports employment. Residential development must be permitted on these lands in order to achieve the objectives of the Mullagharlin Framework Plan. The Finnabair South Character Area is the only character area in the whole framework plan where residential development is positively encouraged. The roads layout of the development is in accordance with the framework plan. The development complies with key objectives of the framework plan including the provision of high quality/ signature buildings along the southern link road, provision of green and soft transport corridors, planting and landscaping.
- The development represents 30% of the land area of PL.15.247927. The Inspector's report in that case specifically acknowledges the suitability of the site for residential development.

7.0 Third Party Submissions

7.1. Submission of Carmel Martin

7.1.1. The submission is made by a resident of an adjoining property on the R132 to the immediate west of the development site. It objects to the development on the following grounds:

- The applicant has already been refused permission for apartments at the development site under PL.15.247927 for the reason that residential development at the site was not permitted under the DEDP.
- The entire site must be considered as a unit with regard to development plan policy. Having obtained permission for economic / business use on part of the site under a previous application, it is not now appropriate to divide the site and seek permission for residential units for another section of the site under a separate area of legislation. Footnotes 3 and 6 of the DEDP Table 2.4 specify the only scenarios under which residential and residential ancillary can be considered and both scenarios relate to the already granted permissions. They cannot be standalone considerations and the application therefore must fall outside the criteria for SHD. The same planning legislation should govern the full site. The

previous application under PL.15.247927 would not meet the criteria to be considered under SHD legislation.

- The applicant relies on a contention that the development supports the existing permitted economic/ business use but then excludes the economic/ business use when justifying compliance with criteria under SHD that requires other uses to be no more than 15% of the site.
- The previous decision to refuse permission for apartments under PL.15.247927 was based on an application for 88 units which was deemed to be not ancillary to the primary zoning objective for these lands. The current application envisages a larger development of 142 units in 5 buildings which deviates even further from the DEDP. Nothing has changed in terms of zoning in this area since the previous decision.
- The development must support business and provide a mix of house types to support long term employees and their families. The application does not provide family homes.
- The proposed car parking will have an adverse impact on adjoining residential amenities due to noise disturbance.
- There is insufficient boundary screening. Screening has been reduced since the previous application.
- The Mullagharlin Framework Plan requires that buildings should be built to a maximum of 3 storeys adjacent to existing residential development. The 4 storey apartments are still adjacent to local residences and will overlook from various viewpoints.

7.1.2. Submission of Niall Carroll

- The Observer owns land to the east of the application site. The lands are accessed via Bothair Maol, which runs along the northern boundary of the development site and the Observer's lands. Bothair Maol is used by agricultural vehicles and machinery to maintain property and farm the land.
- The Observer is concerned that the proposed new vehicular entrance and service road, which intersects Bothair Maol, will interfere with or eliminate the existing access. The indicative layout of the remainder of the development site is not

considered compliant with condition no. 5 of PL.15.247927 regarding vehicular connectivity between sites (the development site and the Observer's lands) along the eastern boundary. The minor and ancillary nature of the access road is wholly inadequate and unfit as a means of properly integrating between land holdings and facilitating future site permeability.

- The original layout of PL.15.247927 did not provide for sufficient vehicular and infrastructural connectivity between the development site and the Observer's lands. The Observer objected to that application and lodged a third party appeal, which argued primarily:
 - The Observer's lands are larger than the development site and had potential for a greater degree of development. The provision of 2 connector roads of similar design, width and specification as the main north-south distributor road was justified.
 - Incomplete plans and drawings were submitted regarding the proposed new vehicular entrance and the roads impact on the Observer's legally established right of vehicular access from the R215 over Bothair Maol, resulting in reasonable concerns about users of Bothair Maol crossing the new junction.
- Condition no. 5(b) of PL15.247927 required a revised road layout delineating the extension of the internal roads and footpath layout up to site boundaries, in order to provide appropriate linkages into the adjoining lands to the east of the site. Condition no. 6 required revised plans delineating proposals for the disposal of surface water and infrastructure provision up to the site boundaries.
- The proposed layout perpetuates a wholly superfluous access through Car Park B into the ESB site, as proposed under PL.15.247927. Both points of connection to lands to the east are extensions of the internal car park road. The single point of connectivity to the Observer's lands is inappropriate and unsuitable and hampers any meaningful connectivity between the sites and obstructs the sustainable and integrated development of all lands within the Finnabair South Character Area as set out in the Mullagharlin Framework Plan.
- The development site and the Observer's lands should be better integrated with 2 points of connectivity taken through Car Parks C and E. A condition of permission

could ensure that the connector roads are of a specification and design similar to the application site's north-south distributor road.

- The application pre-supposes that Bothair Maol will be downgraded to a pedestrian walkway and cycle path only to facilitate the new access road. There is no possibility of using Bothair Maol to access the Observer's lands. Bothair Maol forms part of the local road network providing a connection between the R215 and the Blackrock Road (R172) to the east. It provides vehicular access to surrounding landowners and farmers and to 19 no. dwellings. The full impacts of the proposed changes to Bothair Maol are not assessed in the submitted TIA or Road Safety Audit.
- There is inconsistency in the submitted drawings for the entrance layout. They do not provide the necessary level of clarity or detail. There is an inaccurate presumption and misleading illustrative bias towards the ESB's own entrance onto Bothair Maol providing access for all others. The Observer has no entitlement or right of access through the ESB entrance. The development would effectively cut off the Observer's existing vehicular access.
- The Observer suggests that the eastern and western points of contact where the new entrance intersects with Bothair Maol must remain open and retain unfettered access. A condition could be imposed requiring a vehicular / pedestrian link to Bothair Maol off the new entrance road / layout.

7.1.3. Submission of Merit Holdings Ltd

- The Observer owns lands to the south of the development site, within the Finnabair Character Area, also zoned for 'Employment and Business'.
- The applicant has not engaged with the Observer regarding the proposed development or that on adjoining lands.
- The development is not within any demarcated phasing area under the DEDP core strategy. The core strategy includes employment lands elsewhere in the designated phases. The EB zoning was not excluded from consideration in the phasing strategy. The development would be premature pending review of the DEDP, as stated in the refusal reason of PL.15.247927.

- The application does not include a Material Contravention Statement despite clear contravention with the core strategy. Standalone residential development is not permitted under the EB zoning objective. The development should be part of a mixed use proposal. The development cannot be considered ancillary to development that has not yet come forward.
- The development may not be consistent with the definition of SHD.
- The proposed access and roads layout undermine the planned primary access for the Finnabair Character Area, which integrates with the wider Mullagharlin development area to the west as its key 'Secondary Spine Road'. The development raises the prospect of future development to the west being accessed from the R215 rather than the planned and agreed Secondary Spine Road, notwithstanding longstanding capacity concerns at the R215 / R132 junction.
- The development would set an undesirable precedent for standalone, uncoordinated residential development in an Employment and Business zone.
- The density of development is in excess of the guidance for greenfield sites as per the Guidelines for Sustainable Residential Development in Urban Areas. The site has a peripheral urban location and would be car dependent.

8.0 Planning Authority Submission

8.1. Louth County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Municipal Meeting of Dundalk on 2nd March 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

- The development is considered to comply with the definition of SHD as it is in excess of 100 units and is located on a site that permits residential development under the DEDP.

- The EB zoning objective provides for employment and supporting residential development. Residential development on EB lands is to comply with the Mullagharlin Framework Plan and shall be considered as ancillary to employment use. The Mullagharlin Framework Plan was adopted as a variation to the 2007 DEDP. Its primary objective is to establish a business park to international standards. The development has been designed to a high standard and layout and responds to the spatial layout of the framework plan. The PA is satisfied that the development is in keeping with the framework plan. The development is considered to be consistent with the EB zoning objective.
- The PA notes that the site is adjacent to part of the DKIT campus and that the Xerox Technology Park to the west is occupied by several high profile international and national organisations, i.e. it is a major employment centre. Lands immediately west of the Xerox campus have been earmarked for development under IDA's Strategic Sites initiative. Wuxi, a leading Chinese pharma company is investing €325 million in a new state of the art manufacturing facility.
- The development site was not considered in the core strategy phasing, which related primarily to residential lands only. The core strategy for Dundalk is an outdated document. The policies and objectives of the core strategy have not served to deliver the quantum of housing required on Phase I lands. This has been due to a number of impediments including infrastructure deficits, land ownership and financing. Notwithstanding this, apartment development is providing much needed accommodation in Dundalk. There are no Phase I lands directly adjacent to the employment generating lands. The lack of accommodation in this part of town is of huge concern to potential investors and/or potential expansions. There is currently a critical shortage of residential accommodation in the Dundalk market. It is considered that the applicant has demonstrated that there is a housing need in the area of Finnabair and that the development will provide a mix of tenure towards meeting the shortage of residential units in the area.

- The development is not considered to be premature. The site is zoned and sequential and forms part of a master planned area, with development extending southwards from the built up area. The development is consistent with the zoning objective. The development of apartments near employment generating lands and a third level institute promotes and supports employment in the area and the provision of residential accommodation near employment. The development is well placed and provides a type of accommodation not currently available in Dundalk. It will add to the choice of tenure and size of apartment unit available. It will facilitate the compact development of Dundalk, in accordance with NPF objectives and the RSES.
- The development is in accordance with the Apartment Guidelines. The density of 93 units/ha represents a good use of zoned and serviced lands. The proposed housing mix, having regard to the established pattern of development in the area, will create a new sustainable residential area in accordance with DEDP Policy HC3. The PA considers that apartments at this location as part of a mixed use development would be attractive to investors and would support the needs of the IDA in providing quality accommodation near the workplace.
- The application is assessed favourably with regard to the 12 criteria set out in the Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines.
- The public open space provision is acceptable. Considering the nature of the likely occupants, the open space should include adult exercise equipment.
- No objection to the proposal to use the entrance permitted under PL.15.247927. Additional capacity has been provided for on this section of the R215, west of the development access. The TIA indicates that junctions have adequate capacity. The Mullagharlin Framework Plan provides that the main access to the site is from the R215 but there is nothing to prevent this road being put in place at a later stage. Infrastructure recommend conditions.
- There is no evidence that the development will impact on the current access arrangement or the legal interest in the right of way at Bother Maol.

- The PA is satisfied with the proposed car parking provision.
- The applicant has entered into discussions with the Louth County Council Housing Dept. to provide for Part V requirements.
- The development is not considered to have adverse impacts on the amenities of residential properties to the west with regard to the shadow study submitted and to the intervening distances.
- The PA considers that the scale and size of the crèche are not sufficient to cater for the employment and residential need of the site and the wider catchment area. A larger scale facility may be needed. There is pressure on existing childcare services to cater for growing demand in the Dundalk area.
- There are no concerns in relation to flooding.
- The Archaeological Assessment is sufficiently robust.
- The AA screening is considered sufficiently robust.
- The PA recommends permission subject to conditions.

9.0 Prescribed Bodies

9.1. Transport Infrastructure Ireland (TII)

- 9.1.1. Recommends conditions. Notes that the submitted Road Safety Audit refers to the N52, this is now declassified and is the R215.

9.2. Department of Culture, Heritage and the Gaeltacht

- 9.2.1. The following points are noted:
- The Dept. concurs with the recommended mitigation for archaeological monitoring of development works as noted in Section 6 of the Archaeological Assessment Report. The Dept. recommends mitigation conditions.
 - The AA screening report states that Japanese Knotweed has been found on the development site. The Dept. recommends a condition that an Invasive Species Management Plan is prepared for this site and agreed with the PA prior to commencement of development.
 - The AA screening report notes that ‘small lengths of hedge’ occur within the site. The exact length is not given but it is assumed that these hedgerows, which

consist in the main of native species, will be lost. The Landscape Plan indicates that beech hedgerows are to be planted. This is a non-native species. As compensation for the hedgerow to be lost, the Dept. recommends a condition that only hedgerow consisting of native species is planted, also a condition to specify that any hedgerow, uncultivated vegetation, or tree removal must take place outside of the bird nesting season.

- *Prunus laurocerasus* (Cherry laurel) comprises 20% of the buffer planting to the west of the site. This is an extremely invasive non-native plant species and should not be included in the landscaping scheme for the site. The Dept recommends a condition that a native tree or scrub species be planted instead of *Prunus laurocerasus* (Cherry laurel).

9.3. Irish Water

- 9.3.1. Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

10.0 EIA Preliminary Assessment

- 10.1.1. The application was submitted to ABP after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development involves 142 no. apartments on a site extending to 2.16 ha. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.1.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

11.0 Appropriate Assessment Screening

11.1. Designated Sites Potentially Affected

11.1.1. The development site is not within or directly adjacent to any Natura 2000 site. The AA Screening Report, dated February 2019, identifies the following 4 designated sites within 15 km of the development:

Site Name (Site Code)	Distance to Development Site (km)	Qualifying Interests	Conservation Objectives
Dundalk Bay cSAC (0455)	1.06	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 (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

Dundalk Bay SPA (4026)	1.06	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitat and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
Carlingford Mountain (0453)	8.5	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p>	There is a generic conservation objective to maintain or restore the favourable conservation condition of the Annex I

		<p>Alpine and Boreal heaths [4060]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	habitats listed as Qualifying Interests for the SAC.
Stabannan – Braganstown SPA (4091)	13.6	Greylag Goose (<i>Anser anser</i>) [A043]	There is a generic conservation objective to maintain or restore the favourable conservation condition of the Annex II species listed as a Qualifying Interest for the SAC.

11.2. Potential Effects on Designated Sites With Regard to Qualifying Interests

11.2.1. The AA Screening Report identifies the following likely effects:

- Locally the development will result in a complete change of land use in the area.
- The development will add a measure of ecological diversity as a flat arable field will be replaced by some garden planting, which will produce a greater area of habitat for local birds and insects than at present.
- The screening report is based on field visits in August 2016 and February 2019. The development site does not hold habitats or species for which the Natura sites are designated so there can be no direct effect from the development.
- Any indirect effects from the construction stage of the development would have to be mediated through water. This is exceedingly unlikely since there is no watercourse linking the development site to the designated sites with the only potential pathway being via storm drains.

11.3. In Combination or Cumulative Effects

11.3.1. The AA screening report does not identify any plans or projects that could lead to in-combination effects with the proposed development in view of the Conservation Objectives of the relevant European sites. This conclusion is accepted.

11.4. AA Screening Conclusion

11.5. It is reasonable to conclude that on the basis of the information on file, the site inspection and the information available on the relevant Designated Sites, 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 any European site in view of the relevant Conservation Objectives as set out above. Therefore, a Stage 2 Appropriate Assessment is not required in this instance.

12.0 Assessment

12.1. The following are the principal issues to be considered in this case:

- Definition of Strategic Housing Development
- Principle of Development
- Building Height
- Design and Layout of Residential Development
- Impacts on Visual and Residential Amenities
- Roads and Traffic / Transport Impacts
- Drainage, Flood Risk and Site Services
- Childcare Facility and Social Infrastructure
- Archaeology
- Part V

These matters may be considered separately as follows.

12.2. Definition of Strategic Housing Development

12.2.1. The pre-application Opinion required the applicant to address the issue of whether the development would meet the definition of 'Strategic Housing Development' as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 3(a) defines SHD as follows:

(a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,

The development relates to 142 no. apartments on a site zoned 'Employment and Business' (EB) under the Dundalk and Environs Development Plan (DEDP) 2009 (as extended), which has the stated objective 'To provide for employment and supporting residential'. I am satisfied that it therefore meets the above requirements.

12.2.2. Third parties have submitted that the development should be considered in the context of the larger scheme as partially permitted on these overall lands under PL.15.247927, i.e. that the current proposal and adjoining permitted scheme should be considered as a single entity for the purposes of meeting the definition of SHD. Section 3 of the above Act provides that SHD applications may include other land uses subject to several requirements:

(i) the cumulative gross floor area of the houses or student accommodation units, or both, as the case may be, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation to which the proposed alteration of a planning permission so granted relates, and

(ii) the other uses cumulatively do not exceed—

(I) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or both, as the case may be, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or

(II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation within the proposed development or to which

the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;

The proposed development comprises 142 apartments and involves a stated total residential floor area of 12,352.7 sq.m. of residential development, a crèche measuring 122 sq.m. and a community room measuring 122 sq.m. The development permitted under PL.15.247927 involved a total of c. 7,700 sq.m. of office / research and development/ science and technology floorspace. If the current proposal is considered in the context of the overall development of the entire lands, it would not comply with the above requirements and would not meet the definition of SHD.

However, I note circular letter PL 3/2017 as issued by the Dept. of Housing, Planning, Community and Local Government on 23rd June 2017, which states the following in relation to the restriction on non-residential / other uses and SHD development:

However, where a large housing development proposal consists of other non-residential uses which exceed the parameters, the residential element of the project can be progressed separately under the SHD arrangements, as part of the phasing of a development, with the non-residential element being progressed as a separate planning application made directly to the local planning authority in the normal way.

Having regard to this guidance, I am satisfied that the development can be considered as a standalone entity for the purposes of meeting the definition of SHD.

12.2.3. I therefore consider that the development comes within the definition of SHD with regard to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.3. Principle of Development

12.3.1. The Board decision PL.15.247927 refused permission for student accommodation at the development site for the following stated reason:

It is considered that the proposed development of student accommodation, which is not ancillary to the primary employment land use objective for the subject lands, and which would represent 55% of the proposed floor space within the subject development, would be in conflict with the provisions of the Dundalk and Environs Development Plan 2009 - 2015, including the EB (Employment and Business) zoning

of the site. Furthermore, it is considered that the development of student accommodation at this location would conflict with the Core Strategy, as set out in the current Development Plan, wherein the subject site is not included in the demarcated phasing of residential development for the town and environs, and that any development of student accommodation, or other forms of residential development on the subject lands, would be premature pending a review of the Dundalk and Environs Development Plan 2009 - 2015 and of the Mullagharlin Framework Plan 2008, in the light of the adoption of the Core Strategy in 2011. The proposed development of student accommodation would, therefore, be contrary to the proper planning and sustainable development of the area.

12.3.2. The zoning matrix set out in Table 2.4 of the DEDP identifies that residential development is 'open to consideration' under the EB zoning objective, subject to several requirements including the following:

- *Any residential proposal within the Employment and Business use (EB) shall comply with the Mullagharlin Framework Plan and shall be considered only as part of a mix with economic / employment uses.*
- *Development proposals within mixed use zonings shall incorporate a range of uses with no single dominant use.*

Consistency with the Mullagharlin Framework Plan is considered below. The development primarily consists of residential use. However, in addition to the adjoining development permitted under PL.15.247927, the site is located in an area where there is a significant concentration of employment land uses:

- The Xerox Technology park is located on the opposite side of the R132 from the development site. This is a complex of large scale industrial buildings across c. 41 ha, occupied by several high profile international and national organisations including Xerox, PayPal, Warner Chilcott and National Pen. Lands immediately west of the Xerox campus adjacent to the M1 have been earmarked for development under the IDA's 'Strategic Sites' initiative.
- Part of the DKIT campus is located to the north of the R215.
- The Crowne Plaza Hotel is on the opposite side of the R215 from the development site. Lands further to the north, beyond the hotel, are the subject of

an extant permission ref. PL.15.245454 relating to a mixed-use development comprising a 5 storey Research, Development and Training Centre, a nursing home and student accommodation.

- The IDA Business Park at Finnabair is located to the immediate east of the development site.

The applicant submits that the proposed residential development is near several employment centres and is essential to address a current critical shortage of residential accommodation in Dundalk that is threatening economic development and the expansion of existing employers. This view is supported by Louth County Council. I accept that there is an extant housing need for the development and that its consistency with the EB zoning objective can be considered in the context of the established and permitted employment uses in the immediate vicinity of the site. The development is considered to be consistent with the EB zoning objective on this basis.

12.3.3. The DEDP core strategy, as set out in Variation No. 1, phases residentially zoned lands. It prioritises the consolidation of the urban core and part of the Muirhevnamor development areas and allocates 50 ha of greenfield land within the Mount Avenue/ Castletown area to provide for a population growth for Dundalk for the lifespan of the existing development plan (Phase 1). The remaining residentially zoned lands are Phases 2 and 3. DEDP Core Strategy Map B indicates the residential phasing. The development site and adjoining lands on the western side of the Mullagharlin Framework Plan area are coloured white and are not within any of the above phases. The submission of Louth County Council states that these lands are not included in the residential phases since they are not specifically zoned for residential development. This is considered reasonable. Louth County Council also states that the core strategy is an outdated document, which has not served to deliver the required quantum of housing on Phase I lands, due to several impediments including infrastructure deficits, land ownership and financing. This point is also made by the applicant in support of the development and is accepted. With regard to the issue of prematurity, the reviews of the DEDP and Louth County Development Plan are on hold pending the imminent making of the of the RSES and the preparation of the

Joint Urban Area Plan for Dundalk as per RPO 4.15 of the RSES. Given the current demand for housing in Dundalk and the necessity of facilitating same in support of economic development, I consider that the development of 142 apartments at this location will contribute to the achievement of development plan housing targets that have not been reached to date, on a site that is zoned for development and contiguous to the built-up area of Dundalk, served by public transport and adjacent to several large employment centres. To consider the development as premature pending the adoption of future development plans and the Joint Urban Area Plan for Dundalk would unduly delay necessary housing development.

- 12.3.4. The Mullagharlin Framework Plan was originally adopted in 2008 as a variation to the previous DEDP. The development site is within the Finnabair South Character Area of the framework plan lands. Section 5.6 of the framework plan relates to the Finnabair South Character Area with a site specific objective to 'Accommodate a mixed use low energy urban quarter in an attractive landscape setting'. Policy objective S20 provides:

The area shall accommodate a mixture of higher order business uses supported by cafes / restaurants, community facilities, office, health care, residential, business units, etc.

Residential use shall be in the order of 40% of the overall site. Lower order warehousing and distribution uses are not considered appropriate.

The following policy objectives for the Finnabair South Character Area are also relevant:

S21 The area shall accommodate residential development at a medium to high density as part of a mix of commercial / employment uses.

S23 Building types shall comprise a mix of typologies and sizes to accommodate a broad range of uses and households.

According to the Statement of Consistency, the net site area of 1.52 ha represents 3% of the Finnabair South Character Area and 30% of the relevant development cell. The development has a stated residential density of 93.5 units / ha, which is consistent with the requirement for medium to high density. I am satisfied that the proposed residential development is generally consistent with the policies and objectives of the Mullagharlin Framework Plan. In addition, the density of 93 units/ ha

is consistent with the guidance provided for an 'Intermediate urban location' as per section 2.4 of the 'Sustainable Urban Housing Design Standards for New Apartments', i.e. close to a principal town centre, to a centre of employment and to a third level institution and adjacent to a bus service. The Apartment Guidelines state that such locations are generally suitable for smaller scale, higher density developments that include apartments at densities > 45 units/ ha. The proposed development meets these requirements. The provision of apartments at this location is in accordance with Mullagharlin Framework Plan policy objective S23 above and is generally desirable in view of the need to provide residential accommodation to support employment growth in the area. The Mullagharlin Framework Plan has been superseded by SPPR 1 of the Apartment Guidelines with regard to housing mix, i.e. up to 50% 1 bed/ studio units with no more than 20 – 25% of the total development as studios and no minimum requirement for apartments with 3 or more bedrooms. The proposed development has 41% 1 bed units, 45% 2 bed units and 14% 3 bed units. This mix is in accordance with SPPR 1 and is considered to be appropriate for this location.

12.3.5. To conclude, I consider that the development:

- Is consistent with the EB zoning objective under the DEDP;
- Would not be premature pending the adoption of future development plans and the Joint Urban Area Plan for Dundalk and
- Is generally consistent with the policies and objectives of the Mullagharlin Framework Plan.

The development is considered to be acceptable in principle on this basis. I am also satisfied that the proposed residential density and housing mix are in accordance with the guidance provided in the Mullagharlin Framework Plan and with SPPR 1 of the Apartment Guidelines.

12.4. Building Height

12.4.1. The proposed development has a height of 2 – 5 storeys. I note that the blocks permitted under PL.15.247927 are 2 - 4 storey in height.

12.4.2. The Mullagharlin Framework Plan provides for a maximum of 3 storeys adjacent to existing residential development. Section 3.4 of the Building Height Guidelines

provides for apartment buildings of 4 storeys and upwards at suburban / edge of town locations. SPPR 4 of the Building Height Guidelines requires planning authorities to secure the following at greenfield edge of town locations:

1. The minimum densities set out in the 'Sustainable Residential Development in Urban Areas Guidelines', i.e. 35-50 units/ ha in this case;
2. A greater mix of building heights and typologies in planning for the future development of suburban locations and
3. Avoid mono-type building typologies (e.g. 2 storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

I am satisfied that the development meets these requirements.

12.4.3. SPPR 3 of the Guidelines provides that a planning authority may approve development subject to development management criteria set out in section 3, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The development may be considered with regard to the principles set out in section 3.1 as follows:

- *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

The scheme will provide a strategic housing development to meet an identified housing need contiguous to the built up area of Dundalk and adjacent to several employment centres, assisting the objective to achieve compact urban growth.

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

As discussed, the development is considered to be generally in accordance with the development plan core strategy. I am satisfied that the DEDP is in accordance with the requirements of Chapter 2 of the Guidelines. In addition, the development is

considered to be generally in accordance with SPPRs 1 and 2 of the Building Height Guidelines.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

The Guidelines supersede the relevant development plan. Section 2.6 of the Guidelines refers to restrictive maximum height limits in certain locations, which are imposed without proper consideration of the wider planning potential of development sites and wider implications of not maximising these opportunities by displacing development. The 3 storey height restriction specified in the Mullagharlin Framework Plan has already been exceeded at this location, however I also note in this regard that Blocks 3, 4, and 5 on the western side of the site are 3 storey, stepping down to 2 storey facing the adjoining residential properties on the R132. In addition, I consider that this area meets the criteria set out in section 2.12 of the Guidelines as an area where higher buildings may be appropriate, i.e. an intermediate urban location where medium density residential development in excess of 45 units/ ha would be appropriate, with proximity to public transport.

12.4.4. I consider that the development management criteria set out in section 3.2 of the Guidelines are addressed in the remainder of this planning assessment. I note in particular the mixed use nature of existing development in this location including large scale commercial/ employment development and the adjacent Crowne Plaza hotel. The proposed 2-5 storey height is considered moderate in this context. I therefore consider that the development is in accordance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities. The proposed 2-5 storey height is acceptable on this basis.

12.5. Design and Layout of Residential Development

12.5.1. The development has been designed to sit within the overall layout permitted under PL.15.247927. There are 2 no. 5 storey apartment Blocks 1 and 2 facing the central spine road, forming a strong urban edge at this location. There are 3 smaller Blocks 3, 4 and 5 on the western side of the site. These are 3 storey, stepping down to 2 storey at the west / rear side facing the residential properties on the R132. The

crèche is located at ground floor level of Block 1 and the community / recreation room is on the ground floor of Block 2. Details of its use and management are not submitted. The blocks are finished in timber cladding, zinc/ powder coated aluminium, white and grey brick and areas of render/ dry dash. There are 2 vehicular accesses at the northern and southern ends of the site, with the overall area being accessed via a north-south spine road and the entrance to the R215 as permitted under PL.15.247927. There are pedestrian connections within the site and a pedestrian/ cycle connection to the R132 via the existing agricultural entrance at that location. All car parking is provided at surface level in shared spaces between the blocks. There are standalone cycle parking ports adjacent to the public open space. The development provides a stated total of 20.5% of the total site area as public open space (0.312 ha), most of which is located on the western side of the site. Detailed landscaping proposals are submitted including a play area between Blocks 4 and 5.

12.5.2. I consider that the proposed layout integrates well with the development permitted under PL.15.247927 and is generally satisfactory with regard to vehicular, pedestrian and cycle permeability, in accordance with the principles of DMURS. The extent of surface car parking unfortunately dominates the areas between the blocks. It is important that a high standard of design and finish are achieved in these areas if they are to function well as shared spaces and conditions requiring same should be imposed if permission is granted. The location of the public open space on the western side of the site reduces passive surveillance but achieves a desirable buffer to the residential properties to the west of the site. This area is also constrained by the presence of a wayleave associated with an existing foul sewer along the western site boundary and its layout as public open space represents an efficient use of the site. The landscape masterplan indicates buffer planting adjoining the residential properties and areas of passive open space, further details may be required by condition. A small, enclosed area is provided as a separate open space for the crèche and there is an adjacent public playground, this is satisfactory. I note the comment of Louth County Council that adult exercise equipment should be provided, however I consider that the proposed play area would be desirable adjacent to the crèche and that adult equipment would have limited utility in an open space that will not serve the wider area. The overall quantum of public open space is ample, and I

consider that a good standard of amenity can be achieved subject to a quality landscaping. I am satisfied that the proposed layout will achieve a good standard of residential amenity. The design of individual blocks provides variety and interest. However, several of the proposed external finishes, including render and wood cladding, should be replaced by more durable finishes. This issue may be addressed by condition.

12.5.3. The application includes a Residential Quality Audit. All apartments in the scheme exceed the minimum floor area requirements specified in SPPR 3 of the Apartment Guidelines. According to the Statement of Consistency, the units are between 15 – 24 % larger than the minimum areas required with the aggregate apartment floor area being 14% above the minimum standard. A total of 73 units or 51% of apartments are dual aspect, above the 50% required by SPPR 4 for suburban or intermediate locations. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights and SPPR 6 specifies a maximum of 12 apartments per core. These requirements are complied with. Blocks 1 and 2 are east / west facing. The single aspect units in Blocks 3, 4 and 5 are all facing south. Adequate private amenity space is provided for the apartments in the form of balconies and terraces. The ground floor terraces are screened by landscaped buffer zones. I note the submitted Building Lifecycle Report.

12.5.4. To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

12.6. **Impacts on Visual and Residential Amenities**

12.6.1. The western site boundary adjoins a row of individual residential properties along the R132, all houses on large sites. The area of public open space on the western side of the site provides a substantial buffer to these properties such that the development achieves a minimum separation distance of 32.5 m from Blocks 3, 4 and 5 to the main body of any of the adjoining residences and a minimum separation distance of 17.9 m from the rear gardens. This distance is considered adequate to preclude significant adverse impacts by way of overlooking. The development is to the east of the residential properties and its bulkiest elements are facing the spine

road, furthest to the east. I note the submitted shadow analysis and consider that significant adverse impacts on residential amenities by way of overshadowing are not likely. Potential visual impacts are mainly localised to within the adjoining development permitted under PL.15.247927 and to the adjacent residential properties. There are no views or prospects in the vicinity that are listed for protection in the DEDP. The overall look and design of the scheme are compatible with the permitted commercial development and Blocks 1 and 2 will have a strong presence on the spine road, providing a good precedent for any future development of adjoining zoned lands. The outlook from the rear of the adjacent residential properties on the R132 will undoubtedly change considerably, however this would be the case for any development of these zoned lands.

12.6.2. I am satisfied overall that the development will not have any significant adverse impacts on the residential amenities of adjoining properties or on the visual amenities of the area such as would warrant a refusal of permission.

12.7. Roads and Traffic/Transport Impacts

12.7.1. The development is to have vehicular access to the R215 as permitted under PL.15.247927, which incorporates a pedestrian crossing. The R215 (former N52) links the M1 motorway with the centre of Dundalk and has existing pedestrian and cycle facilities and a bus stop to the immediate north of the site. It intersects with the R132 (old Dublin road) nearby to the west of the access. The permitted access is to form the 4th arm of an existing signalised junction serving the Crowne Plaza hotel, the southern DKIT campus and adjoining zoned lands (referred to as Carrol's junction), to create a new crossroads along with associated roads infrastructure. The R132 (old Dublin road) to the west of the site provides a north-south link to the centre of Dundalk from the southern outskirts of the town. It also has existing pedestrian and cycle facilities. The proposed layout provides a pedestrian / cycle route to connect to that along the spine road and connect on to the R215 as already permitted under PL.15.247927, also a new pedestrian and cycle connection to the R132 on the western side of the site. The Mullagharlin Framework Plan provides an indicative roads layout for the Finnabair South Character Area, which indicates a north-south link and east-west connections to adjoining lands. The current proposal, along with the layout of PL.15.247927, is generally compatible with the indicative layout.

- 12.7.2. I note the concerns of the adjoining landowner regarding impacts on access via Bothair Maol, northeast of the development site. Bothair Maol is a long standing roadway that originally connected the R215 and areas to the northeast of the site, meeting the R172 at Blackrock to the east. It currently serves an ESB substation at the R215 and is gated at both the R215 end and at the Blackrock end, where it serves a row of one off houses, i.e. there is no direct public access. The IDA business park to the north east of the development site has a separate access from the R215 and a self-contained internal roads layout. The overall roads layout permitted under PL.15.247927 provides several 'future access points' to lands to the east of the site, as per the Mullagharlin Framework Plan. I note section 7.3 of the Inspector's Report of PL.15.247927, which considers this issue (the same adjoining landowner was a third party appellant in that case). The Inspector's assessment concludes that "*There is no evidence to suggest that the proposed access arrangement would hinder the right of way on Bothair Maol to the north*". I concur with this view and see no reason to revisit the issue here since the proposed layout in that part of the site is unchanged from that permitted under PL.15.247927.
- 12.7.3. I am satisfied with the roads layout overall and consider that the development achieves a good level of pedestrian and cycle connectivity. I note in this regard the submitted Road Safety Audit, which may be implemented as a condition of permission. I also note that Louth County Council has no objection to the proposed roads, pedestrian and cycle layout, subject to conditions.
- 12.7.4. The Transport Impact Assessment (TIA) considers traffic impacts at the R215 / R132 junction and the proposed site access junction on the R132, based on traffic counts carried out in May 2018. The R215 / R132 junction currently operates above capacity due to signalling issues. The analysis finds that the network of junctions can operate in tandem within capacity for the opening year of 2020 and the design year of 2035, subject to optimised signal sequencing at both junctions. The applicant would accept an appropriate condition in this regard. The TIA concludes on this basis that the development would have no adverse impacts on the surrounding road network. The signal sequencing at the junctions is outside the control of the applicant, therefore such a condition would not be appropriate. However, the conclusions of the TIA are generally accepted and I am satisfied that the development would not cause undue adverse traffic impacts on the area such as would warrant a refusal of permission.

12.7.5. The development provides a total of 160 no. car parking spaces comprising a provision of 1 space per apartment, 4 spaces for the crèche and 14 no. visitor spaces. The site is within Area 3 of the DEDP car parking areas and is adjacent to a designated Green Route at the R132. DEDP Table 5.4 sets out a parking standard of 2 spaces per apartment, i.e. a total requirement of 284 no. spaces in this instance. I note section 4.21 of the Apartment Guidelines in relation to parking provision at Intermediate Urban Locations, which states that planning authorities must consider reduced overall parking standards for development with densities > 45 units/ ha at such locations and apply an appropriate maximum car parking standard. It is submitted that additional visitor parking will be available at the 300 no. additional spaces available within PL.15.247927 and this point is accepted given that the residential use at the development site and the adjoining commercial uses are likely to give rise to parking demand at different times of the day. Louth County Council states no objection to the proposed car parking provision and I consider it to be acceptable in this context, subject to conditions. The submitted Mobility Management Plan is also noted in this regard.

12.7.6. The development provides 284 no. cycle parking spaces which are provided in external covered storage areas. DEDP Table 5.5.3 requires one secure cycle parking space per unit, i.e. 142 spaces for the proposed development. The Apartment Guidelines require a general minimum standard of 1 cycle space per bedroom and a visitor cycle parking provision of 1 space/ 2 residential units, i.e. 317 spaces in this instance. Any deviation from these standards is to be at the discretion of the planning authority and to be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. The proposed cycle parking provision is considered acceptable in terms of design and location relative to apartment blocks. I consider that the development is likely to generate a high demand for cycle parking given its proximity to employers. The additional 33 no. cycle spaces necessary to comply with the standards of the Apartment Guidelines may be required by condition.

12.7.7. The application includes an outline Construction Management Plan, which includes traffic management provisions. I consider that these measures preclude significant adverse impacts as a result of construction traffic and are generally satisfactory.

12.7.8. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition. I am also satisfied that the development will achieve adequate pedestrian and cycle connections to Dundalk town centre, adjacent employers, DKIT and to the wider area, subject to conditions.

12.8. Drainage, Flood Risk and Site Services

12.8.1. There are no watercourses on the site or at site boundaries, this strongly suggests that surface water currently infiltrates into the ground. Due to the topography of the site and the phasing of development along with works permitted under PL.15.247927, the surface water collection is to be separated into 4 catchment areas. The attenuated flows from each catchment area will enter a combined collection main prior to discharging to an existing surface water pipeline along the R215. The proposed attenuation measures comprise a StormTech attenuation system under the central car parking area and permeable paving in the car parking areas, which are not to be taken in charge. Detailed drainage design calculations are submitted. The surface water drainage system is designed such that the proposed development and that of PL.15.247927 can be implemented together or independently. The development site is located in Flood Zone C in relation to both coastal and fluvial flooding. There are no reported instances of flooding in the immediate vicinity of the site. Any flood risk will be addressed by the proposed surface water drainage network.

12.8.2. There is an existing foul sewer passing through the site from north to south, on the western side of the site, collecting the foul discharge from dwellings on the eastern side of the R132 and continuing southwards from Blackrock / Haggardstown. The development involves decommissioning approx. 235m of this existing pipeline and replacing it with a new collector sewer along the western site boundary. This will fall eastwards and connect to a new Irish Water foul drainage pipeline running from the south through the development site, along the spine road, to an existing foul pipeline along the north side of the R215. The route has been agreed with Irish Water. The proposed foul drainage design assumes that the new Irish Water foul drainage infrastructure will be in place when the development is completed. I note the Irish Water submission dated 5th April 2019, which states that the proposed connections

to the Irish Water network can be facilitated. I also note the previous correspondence from Irish Water, dated 12th September 2018, which states that Irish Water currently has a project underway that will provide necessary infrastructure, including the laying of a new wastewater pipeline through the development site, which is scheduled to be completed Q4 2020. The applicant has agreed with Irish Water that if the upgrade works are not complete, then the section of the public main that runs through the development site would be constructed by the applicant to the standards required by Louth County Council / Irish Water. Foul runoff from Blocks 4 and 5 will discharge to the new collector sewer along the western site boundary. Foul runoff from Blocks 1 and 3 will discharge to the new collector pipeline to the north of the development site and runoff from Block 2 will discharge via an independent foul collector pipe to the Irish Water sewer within the spine road. Irish Water has issued a Statement of Design Acceptance for these proposals. The proposed foul drainage and water supply arrangements are satisfactory on this basis.

12.8.3. The development is to connect to an existing trunk water main along the R215 via a new looped watermain through the site. The water supply network is designed to perform independently of any other development works on the site. Irish Water confirm that the proposed connection to their network can be facilitated.

12.8.4. Having regard to the above, I consider that the development can be facilitated by existing and proposed Irish Water infrastructure and that the proposed surface water drainage arrangements are acceptable. The foul drainage and water supply arrangements are therefore satisfactory.

12.9. **Childcare Facility and Social Infrastructure**

12.9.1. The application includes a Community Facilities and Services Audit. The site is located adjoining the built up area of Dundalk, c. 2 km from the town centre. I am satisfied that there is a good range of social infrastructure within easy reach of the development.

12.9.2. The proposed childcare facility is designed to cater for 20 children. The Childcare Facilities Guidelines for Planning Authorities require 20 childcare places per 75 dwellings, i.e. c. 39 spaces to cater for the development. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix

of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area with 1 bed or studio units generally not considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. Based on the omission of the 1 bed units, the development would require 22 no. childcare places. Figure 1.21 of the Community Facilities and Services Audit demonstrates that there are several childcare facilities available within 2km of the site. A Childcare Demand Assessment is submitted, which provides further details of existing childcare facilities in the area and states that the development has been designed to meet the needs of nearby FDI companies which require accommodation for internationally mobile employees, who may also use places in the crèche. I note the comment of Louth County Council that there is likely to be a strong demand for childcare in the area, associated with adjacent employers. However, the applicant is under no obligation to meet this employment associated need in the proposed development. I am satisfied that the proposed childcare provision is in accordance with the Apartment Guidelines and marginally blow the required provision set out in the Childcare Guidelines. The childcare provision is acceptable on this basis.

12.10. Archaeology

12.10.1. The site contains no RMP sites. There is a large concentration of monuments in the general area, including recently discovered excavation sites in surrounding fields, details of same are provided. The submitted Archaeological Impact Assessment is based on a geophysical site survey and test trenching. There was no clear archaeological pattern or form in the geophysical responses. A total of 11 no. test trenches were excavated across the site under archaeological supervision. No archaeological material was recorded in any of the trenches. The Archaeological Impact Assessment concludes that there will be no impact on known archaeological sites from the development at this location. It is noted that the development is located in an area of high archaeological potential with a particularly high concentration of souterrains. Archaeological monitoring of ground works is recommended. I note that the comment of the Dept. of Culture, Heritage and the Gaeltacht concurs with these recommended mitigation measures, which should be required by condition if permission is granted.

12.11. Part V

- 12.11.1. The applicant proposes to transfer 14 no. units to the planning authority in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). The units to be transferred are all located in Block 5 at the south western corner of the site. Costings are submitted. There is correspondence on file from Túath Housing Association, dated 18th October 2018, which has engaged with the applicant and states an interest in acquiring the proposed Part V units. I also note correspondence on file from Louth County Council Housing Dept., dated 22nd October 2018, which states that it has reached provisional agreement to the applicant's preliminary Part V proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

12.12. Planning Assessment Conclusion

- 12.12.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

13.0 Conclusion

- 13.1. The development is acceptable in principle with regard to the mixed use zoning of the site under the Dundalk and Environs Development Plan 2009 (as extended), to the strategic importance of the settlement of Dundalk and to the need for housing development in this area to support local economic development. The proposed height, density and housing mix are satisfactory with regard to national and local planning policies for greenfield/edge of town sites. The design and layout of the development are considered acceptable subject to conditions and I am satisfied that the development will provide a good standard of residential amenity for future occupants. The roads layout achieves good levels of pedestrian and cycle connectivity, including a new vehicular access and pedestrian crossing at the R215 and a new pedestrian and cycle link to the R132. The layout is also generally consistent with the indicative layout for the Finnabair Character Area set out in the Mullagharlin Framework Plan. It is considered that the development will not result in undue adverse traffic impacts and would have a moderate traffic impact on the local road network overall. I am satisfied that the development would not have any significant adverse impacts on visual or residential amenities or on cultural heritage.

The proposed surface water and foul drainage arrangements and connection to the Irish Water network are all acceptable. I am also satisfied that the development does not result in a significant flood risk.

13.2. I therefore recommend that the Board grant permission.

14.0 **Recommendation**

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

15.0 Reasons and Considerations

15.1. Having regard to the following:

- (a) the site's location adjoining the established settlement of Dundalk, Co. Louth on lands with a zoning objective 'To provide for employment and supporting residential' in the Dundalk and Environs Development Plan 2009-2015 (as extended);
- (b) the policies and objectives in the Louth County Development Plan 2015-2021;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of social and transport infrastructure;
- (j) the pattern of existing and permitted development in the area, and
- (k) the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, and the provision of the new junction and access from the R215, for the benefit of the occupants of the proposed units.

3. The proposed development shall be modified as follows with regard to pedestrian/cycle and roads requirements:
 - (a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The vehicular access from the R215 and the pedestrian / cycle link to the R132, along with associated pedestrian and cycle facilities, shall be in

accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (d) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.
- (f) A Mobility Management Plan for the development, to include parking management, shall be prepared and submitted to the planning authority for its written consent prior to the commencement of development.
- (g) Car parking and cycle parking shall comply with the requirements of the planning authority. The proposed cycle parking provision shall be revised such that an additional 33 no. cycle parking spaces are provided.
- (h) A public lighting plan shall be submitted to the planning authority.

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

commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and to provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Standards for New Apartments.

4. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments –

- (a) The proposed render and wood cladding finishes to the apartment blocks shall be replaced by more durable finishes.

- (b) Details of all boundaries shared with adjoining residential properties shall be agreed with the planning authority.

Details showing the required amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up

shall be submitted to the planning authority prior to the making available for occupation by the developer of the first residential unit.

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

6. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:

(i) A tree protection plan.

(ii) A programme of tree surgery works.

(iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.

(iv) Details of root zone design and specification for street trees proposed.

(v) Detailed design proposals for the proposed play area

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

(vii) Details of all boundary treatments.

(viii) An invasive species management plan.

(b) The central public open spaces shall be developed and left free from any development and shall not be enclosed by any means.

(c) A suitably qualified Landscape Architect shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to

the implementation and monitoring of tree protection measures outlined in the environmental report received by the planning authority.

(d) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan and shall be carried out and completed prior to the completion of development and prior to the occupation of any units hereby permitted.

Reason: To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

7. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of pedestrian, cyclist and traffic safety, to protect residential amenity and in the interest of sustainable transportation.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

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

11. 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, noise management measures and off-site disposal of construction/demolition waste.

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

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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.

Reason: In the interest of sustainable waste management

14. 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 and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site.

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

15. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. 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.

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

between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

18. 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

19. 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

Sarah Moran
Senior Planning Inspector
6th June 2019