



An
Bord
Pleanála

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

Inspector's Report ABP-304782-19

Strategic Housing Development

483 no. residential units (258 no. houses, 225 no. apartments), childcare facility and associated site works.

Location

Blackrock Road, Haggardstown,
Blackrock, Dundalk, Co. Louth.

Planning Authority

Louth County Council

Applicant

Kingsbridge Consultancy Ltd.

Prescribed Bodies

An Taisce
Dept. of Culture, Heritage & the
Gaeltacht
Irish Water
Transport Infrastructure Ireland
Louth Childcare Committee

Observer(s)

John & Aoife Henry
Brian P. Hopper
Conor Byrne
Conor Connolly
Ann Hopper
Dundalk Golf Club
Eamonn & Síona Cooney
Gerry Campbell - *Village Green
Management Company*
Hermione Duffy
Hugh Reilly
John Horan
Maeve Ahern
Patrick A. Halley - *Bothar Maol
Residents Association*
Steve M. Potter & Máiréad Reid
Ultan Herr

Date of Site Inspection

30th August 2019

Inspector

Ciara Kellett

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The 17.9Ha site is located c.1.3km north of the seaside village of Blackrock, Co. Louth and c.3km south of the centre core of Dundalk. The proposed entrance to the site will be almost within the 50kph speed limit on the northern side of Blackrock village, just off the R172 road which links Blackrock to Dundalk along the coastline.
- 2.2. The R172 runs to the east of the site and a narrow road called Bothar Maol bounds the north of the site. Bothar Maol is gated mid-way, thus prohibiting a connection between the R172 and the N52 road. There are a number of 'one-off' type dwellings located either side of Bothar Maol, as well as bounding the site to the east. The Dundalk Golf Club bounds the site to the west and south.
- 2.3. To the north of Bothar Maol, c.70 metres as the crow flies, lies the Finnabair Industrial Estate. Further north, the Dundalk Retail Park is c.700 metres from the subject site. The Xerox Technology Park and Dundalk Logistics Park are both c.1km to the west of the site, and the Dundalk Institute of Technology Campus is c.600 metres to the northwest.
- 2.4. The site itself is roughly rectangular in shape. The lands are in agricultural use, albeit were somewhat overgrown on the day of my site visit, and primarily comprise two field areas defined by hedgerows and scrub vegetation. There is a cluster of mature trees at the northeast corner of the site, near the junction of Bóthar Maol and the Blackrock Road. The lands are undulating throughout, and slope from the highest point at the southwest corner 23.78 m Above Ordinance Datum (AOD), down to the lowest point at the northeast corner 6.08 m AOD. The site contains several rocky outcrops and is traversed by an ESB powerline.
- 2.5. The European Designated sites, Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) are located to the east of the R172 road.
- 2.6. Appendix A includes maps and photos.

3.0 Proposed Strategic Housing Development

3.1. The proposed development provides for 483 no. new residential dwellings composed of 258 houses and 225 apartments, a crèche and a public park. In summary, it includes:

- 41 no. 5 bedroom houses,
- 101 no. 4 bedroom houses,
- 116 no. 3 bedroom houses,
- 6 no. 3 bedroom duplexes with 6 no. 2 bedroom apartments below,
- 149 no. 2 bedroom apartments,
- 64 no. 1 bedroom apartments,
- 2 storey childcare facility of 677 sqm accommodating 112 children,
- Central park of 3.1 hectares and pocket parks of 1.4 hectares, and
- 800 car parking spaces plus 24 spaces for use by creche

3.2. The building heights range from one storey (accessible bungalow) to four storeys. At the edges of the site the proposed houses are predominantly 2 or 2.5 storeys in height. The taller apartment blocks of 3 and 4 storeys are in the centre of the site to adjoin and overlook the central open space.

3.3. There are 7 no. apartment blocks proposed at the site. Blocks A, B, C, E, F and G are 4 storeys in height and Block D is 3 no. storeys. Each Block will accommodate a mix of 1- and 2-bedroom units and will be served by secure bike shelters and car parking. The proposed courtyard of apartments over Duplexes at the north east of the site are 3 storeys in height. The proposed houses are 1, 2 and 2.5 storeys in height. The dwellings are arranged in 5 character areas. It is proposed to comply with Part V housing requirements with 48 units.

3.4. The proposal includes surface water drainage, foul drainage and potable water infrastructure. The proposal is accompanied by a Statement of Design Acceptance from Irish Water.

3.5. The main vehicular, pedestrian and cyclist access is off the R172 on the south-eastern corner of the proposal. Two other pedestrian and cyclist accesses are

proposed off Bothar Maol. The proposal includes for modifications to the R172 at the proposed entrance including the provision of a new junction to access the site. In addition, 4 no. potential future vehicular access points are provided to adjoining residential zoned lands.

3.6. Car parking for the proposed houses has been provided at a rate of 2 no. spaces per unit and the proposed disability bungalow has 4 no. car parking spaces. Car parking for the proposed apartments is provided at a rate of 1 no. car parking space per unit and 1 no. visitor space per 4 units totalling 800 spaces plus 24 for the creche. Blocks A, B and F accommodate underground car parking. Bicycle parking is provided for the proposed apartment units at a rate of 1 no. space per bedroom and a visitor space per 2 no. units totalling 504 bicycle spaces and 8 for the creche.

3.7. The dwelling breakdown is as follows:

Description	Quantity	Mix %
1 bedroom Apartment	64	13.25%
2 bedroom Apartment	149	30.85%
2 bedroom Own-Door Apartment	6	1.24%
3 bedroom Own-Door Duplex	6	1.24%
3 bedroom Houses	116	24.02%
4 bedroom Houses	100	20.7 %
4 bedroom Accessible Bungalow	1	0.2%
5 bedroom Houses	41	8.48%
Total	483	100%

3.8. Development Parameter Summary:

Site Statistics	Area
Total Site Area	17.9Ha
Developable Area (Site area excluding central park and lands of existing road)	13.8Ha
Public Open Space on Amenity Lands	3.1Ha
Public Open Space within Residential Lands	1.4 ha (10.2% of Developable Area)
Net Residential Density	35 units per hectare
Plot Ratio	0.38
Site Coverage	20%
Car Parking	824
Part V	48
Childcare facility	677sq.m catering for 112 children
Bicycle Parking	504 plus 8 for creche

3.9. In addition to the architectural, landscaping and engineering drawings, the application was accompanied by the necessary reports and documentation including an Environmental Impact Assessment Report and a Natura Impact Statement.

4.0 Planning History

4.1. There have been planning applications in respect of all or part of the subject site. In summary they include:

- **LCC Reg. Ref. 09/180:** This application was lodged in March 2009 for a vehicular entrance off Blackrock Road (R172) and the provision of foul water infrastructure including a pumping station and rising mains, to service 17.25 hectares of land. Following no response to a request for Further Information the application was deemed withdrawn in November 2009.
- **ABP Ref. PL15 .233263/ LCC Reg. Ref. 08/752:** This application was lodged in June 2008 for the construction of a foul pumping station and pumping main for connection to the Dundalk Town Trunk Sewer, a storm sewer, the realignment of R172 and the realigned and provision of a site access off Bóthar Maol. This application related to lands at the northern boundary of the subject site and along the R172 Blackrock Road northwards. The Planning Authority issued their Notification of Decision to Grant planning permission for the proposed development in March 2009, subject to 10 no. conditions. Condition 2.2 of this decision sought to provide a link to Birches Lane from the proposed roadway. Following the Planning Authority's decision, an Application for Leave to Appeal was lodged by Declan Muckian and Jim Coyle under reference PL15 .LV2956. The Board granted these Parties Leave to Appeal on the basis that Condition 2.2 altered the scheme proposed and would affect the adjoining landowner's enjoyment of their lands. The First Party also lodged an Appeal under Reference PL15 .233263. On the 3rd July 2009 the Applicant withdrew this application entirely.
- **Dundalk Town Council Reg. Ref. 08/520141:** On the 26th September 2008 Dundalk Town Council granted planning permission, subject to 11 conditions, for the construction of a foul pumping station and pumping Main for connection to the Dundalk Town Trunk Sewer, a storm sewer, the realignment of R172 and the realigned and provision of a site access off Bóthar Maol. This application related to lands at the northern boundary of the subject site and along the R172 Blackrock Road northwards.

- Reg. Refs. 08/520141 and 08/752 described the same development with the former being lodged to Dundalk Town Council and the latter lodged to Louth County Council as the subject scheme traversed the administrative boundaries.
- **LCC Reg. Ref. 07/749:** This application was lodged in May 2007 for the construction of an access road and waste water infrastructure to serve the subject site. Following no response to a request for Further Information the application was deemed withdrawn in January 2008.

Other applications in the vicinity relate to developments of a domestic nature, and the Golf Club.

4.2. Other **SHD** applications in the vicinity include:

- **ABP-303891-19:** Permission was granted on 24th June 2019 for the SHD application for 142 apartments on the Inner Relief Road (R125) and the Dublin Road (R132) which is located c.1km to the west of the site.
- **ABP-303253-18:** Permission was granted for 166 residential units and a creche on the Old Golf Links Road and Tuite's Lane which is located c.650m to the south and abutting the Dundalk Golf Course to the south.

5.0 Section 5 Pre-Application Consultation

Notice of Pre-Application Consultation Opinion – Ref. ABP-303256-19

- 5.1. A section 5 pre-application consultation took place at the offices of Louth County Council on the 31st January 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303256-19.
- 5.2. The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations **require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.** The matters included are as follows:

5.2.1. **Timing and Phasing of Development**

Further consideration and/or justification of the documents as they relate to the development of Phase II residential lands as set out in the Dundalk Environs Development Plan and the possible prematurity of development at this location pending the completion of the review of this plan. Where it is proposed to develop the subject lands prior to the adoption of the new development plan a planning rationale/justification for the release of these Phase II residential lands should be submitted which has due regard to all Phase I residential lands which remain undeveloped and the provisions of the County Development Plan 2015-2021. The duration of permission sought should also be considered in this context.

An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended by Section 53 of the Act of 2018, that outlines consistency with the relevant development plan and that specifically address any matter that maybe considered to materially contravene the said plan should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

5.2.2. **Surface water management and Risk of Flooding**

Further consideration of documents as they relate to surface and storm water management for the development lands and the risk of displaced or increased discharge of waters downstream to the Dundalk Bay SAC, including the risk of flooding to the site entrances. This further consideration should be considered within the Environmental Impact Assessment Report. Regard should be given to the requirements of the Local Authority in respect of surface water treatment and disposal and SUDS measures proposed for the scheme. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered appropriate. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.2.3. **Specific Information**

The prospective applicant was advised that the following **specific information** was required with any application for permission:

- In the context of ancillary or associated enabling infrastructure (roads and carparking) being located on lands zoned 'Recreation, Amenity and Open Space' and thereby reducing the quantum of open space, a design rationale/planning justification in respect of the open space provision, and built/urban edge surrounding it should be submitted.
- An Environmental Impact Assessment Report.
- A layout plan with the zoning objectives overlain on the proposed residential scheme to provide clarity regarding location of residential units and road infrastructure including parking vis-à-vis the lands zoned open space.
- Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous land-uses. Proposed boundary treatments should be specified.
- Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties and where

connections to adjoining lands are proposed. Full details of any changes in levels proposed should be provided.

- Having regard to the local road network serving the site and adjoining lands, and its ability to accommodate additional traffic and/or accesses, the prospective applicant should demonstrate the suitability of the proposed vehicular access arrangements for the subject site and to consider or address any issues in respect of access to adjoining lands, in particular ensuring that the proposed development subject of this SHD pre-app does not unduly prejudice the future development of adjoining zoned lands.
- A site layout plan which clearly identifies the full extent of works to the proposed entrances and road junctions whether in public or private ownership. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
- All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
- A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
- A construction and demolition waste management plan.
- A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
- A site layout plan indicating all areas to be taken in charge.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water

- Transport Infrastructure Ireland
- Minister for Culture, Heritage, and the Gaeltacht
- Heritage Council
- An Taisce – the National trust for Ireland
- Louth County Childcare Committee

Applicant's Statement

5.4. Article 298(3) of the Regulations provides:

'Where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.'

5.5. The applicant has submitted a Response to Opinion of An Bord Pleanála which can be summarised as follows:

5.5.1. Timing and Phasing of Development

- Given the strategic context of the site and its capacity to make a significant contribution to addressing the housing supply shortage in Dundalk, the duration of the permission sought is 5 years.
- The County Development Plan (CDP) states that the CDP will be an overarching Development Plan for the entire county including Dundalk, and that the Dundalk & Environs Development Plan 2009-2015 will be replaced by a Local Area Plan that is consistent with the CDP. There is no timeline in place for drafting the proposed LAP for Dundalk. To stall the planning application process for housing in Dundalk for an unidentified period would exacerbate existing housing shortages in the area and is contrary to regional and national policy.
- The Dundalk Development Plan, dating from 2009, is no longer fit for purpose.

- The reason for the Phase 3 status of the lands was services constraints that have now been removed as evidenced by the Irish Water PCE Response.
- With regard to the delivery of development on Phase 1 lands, it is submitted that just 10 no. dwellings have been fully constructed and occupied on the Phase 1 lands since their prioritisation in 2011. This single planning permission for 67 houses (Reg. Ref. 1420049) is due to expire in December 2019 and construction has not commenced for the remaining 57 no. units. No other planning permissions have been granted on the Phase 1 residential lands since their designation in 2011 and therefore, of the 1,750 no. units allocated to the Phase 1 residential lands under the Dundalk & Environs Development Plan 2009-2015, a total of 1,740 remain undeveloped.
- Residential schemes for 200 no. units are in advanced stages of design and these units will secure the LIHAF allocated funds. While the Planning Authority is pro-active in facilitating the release of the Phase 1 residential lands, these developments will not deliver residential units in the quantity allocated in the Development Plans, particularly in the short term.
- A Material Contravention Statement accompanies the application.

5.5.2. **Surface Water Management and Risk of Flooding**

- The surface water management for the proposed development is designed to comply with the Greater Dublin Strategic Drainage Study (GDSDS) policies and guidelines and the requirements of Louth County Council.
- Propose to use a sustainable urban drainage system (SuDS) approach for the stormwater management.
- Impact of the proposed surface and stormwater infrastructure and resulting discharges on the receiving waters and adjoining properties has been assessed within the hydraulic modelling undertaken.
- Flood Risk Assessment submitted was prepared in full compliance with the requirements of “The Planning System & Flood Risk Management Guidelines”.
- Assessment identified that the eastern portion of the site at the main vehicular entrance is susceptible to coastal flooding and is deemed to be in a Flood

Zone A. Propose to raise the vertical alignment of a 158 metre section of the Blackrock Road (R172) by an average to 395 mm to ensure that vehicles may use this roadway in a southerly direction during coastal flooding events. Where the public road is to be raised the existing footpaths will also be replaced and this will ensure that there is pedestrian access to and from the development during extreme coastal weather events.

- Section 10.5 of the EIAR states: *“The proposed development will have an imperceptible impact on existing surface water flows in the vicinity of the Site, and to groundwater resources either onsite or offsite. The proposed development will have an imperceptible impact to water levels within the existing downgradient wetlands areas. Therefore, this development will have an imperceptible impact to existing flows currently discharging to Dundalk Bay SAC/SPA. No groundwater or surface water impacts are expected as a result of current or historic land-use either at the Site or within adjacent lands. The proposed development will not result in flooding in the immediate vicinity or wider area, and does not pose an unacceptable onsite flooding risk”.*

5.5.3. Specific Information

Specific Information	Response
Location of enabling infrastructure on lands zoned ‘Recreation, Amenity and Open Space’	Site layout has been amended to remove c.130 no. residential car parking spaces that had previously been located on the zoned open space. This has been achieved by realigning internal roads and providing underground car parking for Blocks A/B and F and has resulted in the reduction of the scheme from 485 no. to 483 no. units. Remaining roads and creche parking on open space - proposed apartment buildings at the edges of the open space frame the views along the park and through the development and offer supervision.
EIAR	EIAR submitted
Layout plan with the zoning objectives overlain to provide clarity.	Drawing submitted with application

Photomontages and cross sections at appropriate intervals	Submitted with application
Details of existing and proposed levels across the development site relative to adjoining lands	Cross Section drawings submitted with the application
Demonstrate the suitability of the proposed vehicular access arrangements for the subject site and address adjoining lands, in particular ensuring that the proposed development does not unduly prejudice the future development of adjoining zoned lands.	A Traffic and Transport Assessment submitted with the application
Site layout plan - identify the full extent of works to entrances and road junctions in public or private ownership. Relevant consents to carry out works on lands - all works should as far as possible be included within the red-line boundary.	Drawing submitted with the application. Consents from Louth County Council and Mr. Jim Coyle submitted with the application.
Existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.	Drawing submitted with application
Building Life Cycle Report	Submitted with application
Construction and demolition waste management plan.	Submitted with application
Phasing Plan and Part V provision	Drawing submitted with application
Site layout plan indicating all areas to be taken in charge.	Drawing submitted with application

5.5.4. The applicant states that copies of the application have been submitted to the relevant bodies.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. In addition, the NPF recognises the key role of Drogheda-Dundalk-Newry cross-border network with respect to building stronger regions and accessible centres of scale. It states that it will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure they have the capacity to grow sustainably and secure investment as key centres. Objective 7 seeks to apply a tailored approach to urban development with a particular focus on *inter alia* Dundalk.

6.1.3. The NPF seeks to capitalise on and further support the economic potential of the Dublin-Belfast corridor by:

Effectively planning and developing large centres of population and employment along the main economic corridor, including in particular Drogheda and Dundalk.

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), 2009.

- ‘Design Standards for New Apartments – Guidelines for Planning Authorities’ (updated 2018).
- ‘Design Manual for Urban Roads and Streets’.
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities Guidelines for Planning Authorities’.
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, (2018).

6.3. Louth County Development Plan 2015 – 2021

6.3.1. Chapter 1 of the Plan states that the Council will prepare Local Area Plans for areas including Dundalk & Environs. Chapter 2 of the Development Plan refers to the Core Strategy & Settlement Strategy and Chapter 4 refers to Residential and Community Facilities.

6.3.2. Dundalk, as well as Drogheda, is identified as a Large Growth Town I in the Settlement Hierarchy. Table 2.4 indicates that Dundalk & Environs is expected to have a population growth of 4,322 persons or **1,600** equivalent residential units by **2021**. Table 2.5 restates that Dundalk is to have a household allocation to 2021 of 4,322 persons and of importance for the subject proposal a Housing Land requirement of **57Ha up to 2021**. Section 2.10 of the Plan refers to Phasing which is of note with respect to the subject proposal. The Plan states that phasing will be provided for in the respective Core Strategies as part of the preparation of local area plans.

6.3.3. **Policy CS1** seeks:

To promote the household and population growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy.

6.3.4. **Policy SS1** seeks:

To maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

6.3.5. Section 2.16.1 refers specifically to Dundalk. It states “*It is projected that it will grow to 46,622 during the lifetime of this Development Plan, to a level where it can support a wide range of services and facilities that will provide higher levels of economic activity, growth and development*”.

6.3.6. Section 2.16.4 refers to the preparation of Local Area Plans for Dundalk and Drogheda. It notes that the statutory development plan for Dundalk is the Dundalk & Environs Plan 2009 – 2015. It further states that the Louth County Development Plan 2015 – 2021 will be an over-arching Development Plan for the entire county including Dundalk. It is stated that the Dundalk plan will be reviewed and ultimately replaced by Local Area Plans, which will be subsets of, and will be consistent with, the Louth County Development Plan 2015 – 2021.

6.4. **Dundalk & Environs Development Plan 2009 – 2015**

6.4.1. This Plan was adopted in November 2009 and was subject to a variation in August 2011 with respect to incorporating the Core Strategy into the Plan. Chapter 2 of the Plan refers to the Development Strategy and chapter 7 refers to Recreation and Amenity.

6.4.2. Section 2.2 of the Plan refers to the Spatial Strategy. The Blackrock/Haggardstown area is identified as one of six distinct development areas. The subject site is zoned ‘Residential 2’ and ‘Recreation, Amenity and Open Space’. Table 2.3 of the Plan states that RES2 zoning objective is ‘*To provide for new residential communities and supporting community facilities subject to availability of services*’. Table 2.4 lists those uses that are permitted and includes residential and creche uses. The zoning objective for the Recreation, Amenity and Open Space area is ‘*To provide for the provision of public parks, open spaces, amenity and recreational facilities*’. Table 2.4 lists allotments and sports facilities as being permitted uses in this zoning.

6.4.3. The Core Strategy variation no.1 designated the subject lands as Phase 3 residential development. It envisaged that Phase 1 lands would accommodate housing during the lifetime of the Plan i.e. up until 2015, and following this, Phase 2 and 3 would subsequently be developed. **Policy CS2** seeks:

To apply the phasing of new residential development as per the phasing strategy set out, whereby residential development, other than infill, brownfield or mixed use development shall only be permitted in the identified area within

Phase 1. Only on completion of the development of 75% of these lands shall subsequent phasing be considered for additional residential development.

6.5. Applicant's Statement of Consistency

- 6.5.1. Section 8(1)(iv) of the Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan and, where the proposed development materially contravenes the said plan other than in relation to the zoning of land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
- 6.5.2. The applicant states that sections of access road, uses ancillary to the creche, a pumping station, a bin store and bicycle parking and the public open space are consistent with the zoning objective for open space and amenity. Furthermore, it is contended that the residential standards of the Development Plan are fully complied with in that the site accommodates a mix of dwelling types and sizes and meets and exceeds the minimum standards as evidenced in the Housing Quality Assessment submitted.
- 6.5.3. With respect to the Core Strategy and policy CS2 of the Plan (see above) it is stated that justification for the contravention of CS2 is provided in a Material Contravention Statement submitted.
- 6.5.4. In summary, the Material Contravention Statement includes:
- Notes the SHD Act allows the Board to materially contravene a development plan other than in relation to zoning with regard to the requirements of S.37(2)(b) of the Act
 - Relevant consideration is in relation to phasing status of the lands and policy CS2
 - Considers the development under the provisions of S.37(2)(b) of the Act:
 - Submits the strategic importance of the lands is established by the scale and capacity of the site and well-documented housing shortage;
 - There are conflicting objectives in respect of the Core Strategy and phasing under the Development Plans - policy CS2 is no longer

consistent with the County Development Plan and current national and regional policy;

- The NPF prioritises Dundalk for growth;
- Policy CS2 is superseded by objectives in Rebuilding Ireland Action Plan for Housing and Homelessness;
- The location of the site represents a sustainable location for urban consolidation; and
- The lands were designated Phase 3 on the sole basis that there were water services constraints – those constraints no longer apply as evidenced by correspondence from Irish Water.

6.6. **Designated Sites**

The bulk of the site is setback from the shore c.250m from the Designated Areas of Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) which are located to the east of the R172 road. The proposed entrance onto the R172 Blackrock Road abuts the designated areas.

7.0 Third Party Submissions

7.1. There were 15 valid third-party submissions mostly from residents in the locality (as listed on front of this Report). The issues raised are amalgamated and summarised below under the following headings:

7.2. Zoning of land/Principle of Development/Material Contravention

- Site is designated as Phase 3 lands and this application is premature.
- Development of this greenfield site separating the conurbation of Dundalk with the village of Blackrock is materially contrary to the principles of sustainable growth.
- Such development is not appropriate for this agricultural location.
- Isolated nature of proposal relative to services renders the proposal contrary to the objectives of RES2 zoning.
- Proposal is in material contravention of the Core Strategy and Variation no.1 of the DEDP – area was ranked 4th due to necessity for infrastructural upgrades.
- There is not such an acute housing shortage in Dundalk to justify development of Phase 3 lands in preference to higher priority locations – table provided indicating that there are extant permissions for 2,836 units – thus placing a different perspective on the applicant’s justification for developing Phase 3 lands. Council have removed previous obstacle to development of Mount Avenue Road lands which are Phase 1 lands. Development (inc. ABP-303253) would represent 40% of Dundalk growth on Phase 2 and Phase 3 lands resulting in lop-sided and discordant growth.
- Reference is made to the recent court case against ABP in Bearna and the material contravention of the Bearna LAP.
- Previous planning applications included requests for Further Information that have never been addressed and a masterplan of all the lands is required, including the lands towards Birches Lane.

7.3. Traffic & Transportation

- Potentially 1000+ cars between development and the creche. Significant increase in traffic.
- Pose serious safety issues accessing adjacent dwelling.
- Proposed entrance is on a dangerous bend.
- Proposed alterations on R172 could infringe on observer's private land.
- There is a pedestrian footpath only on one side of the R172.
- Line of sight north and south are compromised and cannot be relieved by widening the road due to designated sites.
- This section of road is an accident blackspot.
- The site is not served by public transport.
- Trip generation estimate of 52% by cars is not valid as the site is too remote for pedestrian and cyclist access and one footpath only.
- Request that all construction traffic arrives and departs via the north using the R172 to connect to the N52 and not through Blackrock Village.
- Object to any construction access via Bothar Maol.
- Cycling along R172 is already very dangerous – developers should fund the construction of a raised or separated cycle path – there is plenty of room on the Dundalk Bay side.
- Request that Bothar Maol is opened up to pedestrians and cyclists to connect the R172 to the N52 – would result in a substantial shortcut.
- The development should have more than one access road.

7.4. Environmental/Biodiversity Impact

- Impact of development on Blackrock seashore and designated areas.
- Increased traffic/noise/air pollution will have a detrimental effect.
- Development will undermine all work carried out by Golf Course to develop biodiversity value.

- Proposal to duct surface water by culvert along Bothar Maol into SAC is contingent on ongoing and correct maintenance.

7.5. Infrastructure/Services

- Object to proposal to carry out works/modifications to water and waste pipe along Bothar Maol – the residents of Bothar Maol have not given permission to install such pipework – Bothar Maol is a private right of way and developer has no legal right to install such pipework.
- There are a number of dwellings along Bothar Maol that have septic tanks and development falls short of the 10m separation for percolation area.
- Waste system is already struggling to cope.
- One observer states he is freehold owner of section of R172 where it is proposed to lay a pipe and Louth Co. Co. have provided permission to lay such a pipe – consent has not been sought from observer.
- Primary schools are already oversubscribed.
- There are no services either social or physical to meet the needs of the new residents.
- Foul water pumping system is totally reliant on a mechanical system with overflow tanks to prevent effluent entering Dundalk bay – the risk assessment is not adequate.

7.6. Visual Impact

- Impact on views from Dundalk Golf Club which forms an integral part of Ireland's Tourist Industry.
- Views chosen for photomontages are selective and limited.
- Development would occupy a visually prominent site and will seriously impact the visual amenities of the area.

7.7. Density

- Density is not in keeping with surrounding area.
- Close to 500 dwellings represents 30% of all the Dundalk & Environs housing needs.

- A scheme of 350 units is more appropriate.
- This is the largest SHD outside of Dublin – density of housing is a Dublin requirement not a rural one.

7.8. Design and layout

- Design is unsympathetic to the surrounding area.
- An area of land along the fringes of the development adjacent to the golf course should be inactive space as an appropriate buffer against stray golf balls.
- There will be privacy issues for new residents with views from the golf course at the higher level.
- Request that all trees shall be retained as near as possible in their current state and not altered to maximise viewing potential of the development.
- Boundary treatment between Golf course and site is porous and insubstantial.
- Proximity of dwellings to existing dwelling – less than 22m.
- Boundary treatment along Bothar Maol is unsuitable and the protection of existing mature boundaries is not addressed. Boundary wall should be a rendered block wall of minimum 2.2m adjacent to the existing hedgerows.
- Two road stubs are planned leading into objector's back garden with no indication for fence, gate or other barrier to impede potential trespassers – object to proposed barrier along joint boundary which provides no privacy – request continuous boundary wall.

7.9. Access

- It is unclear what purpose the laneway may serve (i.e. the proposed most easterly pedestrian access) – concerns for anti-social behaviour.
- Object to use of Bothar Maol which is a private laneway – all repair work is undertaken by the residents. Submit applicant is not entitled to construct a pedestrian access onto the laneway.
- Reference made to ABP-302842-18 and the Inspector's Report which refers to concerns with pedestrian access onto Bothar Maol.

- Lack of footpath along Bothar Maol represents a hazard to the safety of users.
- North-eastern edge of proposal includes a portion of Bothar Maol within the boundary and this area is included in the Taking-In-Charge drawing. Bothar Maol is a private right-of-way as per the High Court ruling.

7.10. Amenities

- Proposal has been designed with no consideration towards the Golf Club or safety and amenity of future residents.
- Construction of Seaview Way to the south-east of the Golf Club produces persistent noise, droning and dust which negatively impacts on the golf course's tranquil setting – this will be continued with this development.
- All sports facilities are already over-subscribed.
- A number of mature trees have already been felled without any permission to carry out this work.
- Query details on health and safety for the residents.
- There is no assessment of daylight or overshadowing provided.
- Impact on residential amenities of existing residents on Bothar Maol with concerns of overlooking due to elevation differences.

7.11. Consultation

- No proper consultation has taken place – frozen layout presented with no opportunity to alter.

7.12. Flooding

- Frequently experience flooding in back garden of adjoining property (photos included) and Bothar Maol.

7.13. Other Issues

- Public Notices did not fully or adequately describe the nature and extent of development – failed to make reference to installation of foul sewer rising main and replacement of water main on private laneway of Bothar Maol.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 22 August 2019. The report provides a description of the development, planning history, summary of internal and statutory reports, summary of pre-application process with the Board, and a summary of points raised by observers.
- 8.2. The report also referred to the meeting of the Municipal District on the 16th July 2019. It is stated that at the meeting, members were provided information on the details of the SHD application, the fact that three pre-planning consultation meetings had taken place between the applicant and Louth County Council, and that a tri-partite meeting with An Bord Pleanála (ABP) had taken place on the 31st January 2019. The notice by ABP of opinion was issued and circulated and members were advised the closing date for submissions was 31st July 2019. No submissions were made by the members of the municipal district committee by the relevant date.
- 8.3. An assessment of the proposed development was undertaken and is summarised below:
- The opinion of the Planning Authority (PA) is that the proposed development adheres to the policies and objectives of the NPF and the RSES - the site is in close proximity to employment, commercial and education land, and the development of these lands will provide consolidation of the town and environs.
 - With respect to the Local Area Plan, the PA notes there are a number of submissions raising the consistency of the proposal with the zoning objective. The PA consider it is consistent with the development of housing on lands in such close proximity to employment generating lands in addition to a third level institute. Accommodation within walking distance of large multi-national and indigenous industry promotes modal-shift.
 - The coming on stream of apartments provides choice and tenure of dwellings. There is a critical shortage of accommodation to serve the growing needs of the investment taking place which has been highlighted through discussions with Council officials and various discussions with IDA (for example).

- Development meets principles of Guidelines for New Apartments 2018.
- Critical issue is compliance with the Core Strategy and Phasing of the DEDP through the variation of the Plan in August 2011. It is acknowledged that the Core Strategy as set out for Dundalk is an outdated document and has not been updated to accord with the Core Strategy of the County Development Plan. The principles and objectives of the core strategy has not served to deliver the quantum of housing on Phase 1 due to a number of impediments.
- Consider that the applicant has undertaken a robust assessment of the core strategy variation which was based on a housing survey undertaken in 2010. The assessment demonstrates that only 322 units have been permitted since 2010 of which 67 are on Phase 1 lands.
- Noted that a Material Contravention statement has been submitted. PA are of the opinion that the lands represent a suitable sustainable location for consolidation and that housing shortages represent a significant constraint to economic and employment growth.
- PA note the development is below threshold for the preparation of an EIAR however consider given the scale that is prudent the EIAR evaluates the proposal over 10 years and welcomes the assessment of the environmental topics. Notes mitigation measures and in particular the measures relating to landscaping and visual impact.
- Considers scheme provides a good mix of units to cater for varying demographics and do not support submissions stating density is too high. PA notes that Part V discussions are satisfactory.
- Refers to Design Manual Best Practice Guide and assesses the development against principles. Considers the development is consistent with that document and is compliant with the Rebuilding Ireland document.
- Notes concerns of submissions about development of these agricultural lands and the wide vistas available from the Golf Club through to Dundalk Bay, but states lands are zoned and serviced lands.
- Considers that the golf course to the west of the site cannot itself negate development on residential zoned lands. PA consider that the golf course

should have mitigation measures in place to ensure no golf balls enter private property outside the control of the golf course. It is considered that should the zone of influence of the golf course extend to lands outside, efforts should have been made to acquire lands – mitigation measures do not lie entirely with the developer. The proposed layout is sympathetic to the golf course and the golf course needs to put in mitigation measures to ensure the boundaries are more solidly defined.

- The design has been laid out with respect to Bothar Maol residents. National densities have changed.
- Notes the developer will have to take account of policy ENV17 and ENV19 with respect to proximity to septic tanks. Applicant will have to demonstrate that they are compliant with the EPA Code of Practice for WWTP serving Single Houses.
- IDA lands, Dundalk Retail Park and Blackrock Village are all within walking distance of the site. Dundalk Town Centre, Xerox Technology Park and Dundalk Institute of Technology are within comfortable cycling distance and various Buses run services in the vicinity of the site.
- The scoping of the Traffic Assessments was done in-conjunction with the PA and Engineering Staff. The PA accept the assessment that the TTA states there will be slight - moderate effect at key junctions.
- The PA are satisfied that the layout allows for connectivity to adjoining lands.
- The development exceeds the open space requirements. The PA welcome the landscape strategy and consider it will have to be tightly aligned with phased delivery.
- Consider creche is well designed and sited within the scheme.
- With respect to flooding, PA accept that the east portion of the site at the entrance is susceptible to coastal flooding. Applicant will need to implement all mitigation measures as set out in the Flood Risk Assessment.
- There are no concerns about archaeology with an appropriate monitoring condition.

- PA accept the conclusions of the NIS.
- With respect to legal interest in the land, reference is made to S.34(13) of the Act. The PA are of the opinion that sufficient interest in the lands has been demonstrated, however, notes the developer is advised to be certain under civil law that they have rights to execute the grant of permission.

8.4. It is concluded that, notwithstanding the Phase 3 designation, the proposal is substantially in compliance with the relevant objectives of the DEDP and is in accordance with the Louth County Plan and subject to recommended conditions is in accordance with the proper planning and sustainable development of the area.

8.5. A total of 20 conditions are recommended. A summary is as follows:

1. Plans and particulars
2. Ensure rights on the land to execute the grant
3. Provide suitable receptacles for deposit of waste during construction
4. Keep public road free of mud and dust
5. Developer to undertake road/footpath cleaning
6. Development Contributions
7. Security for satisfactory completion
8. Agree boundary treatment with PA
9. Complete all open spaces relative to each dwelling prior to occupation
10. Compliance with EPA Code of Practice
11. Estate name
12. Part V
13. Construction Hours
14. Noise
15. External materials
16. Sightlines, Road Safety Audit, Flood Risk measures, surface water, landscaping, traffic signs & road markings, & right turning lane
17. Public Lighting

18. Construction Management Plan
19. Connection agreement with Irish Water
20. Archaeological Monitoring

9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce
- Louth County Childcare Committee

9.2. Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

9.2.1. An Taisce

- Traffic Generation and Climate Action – because of location need to ensure it does not become unsustainably car dependent
- The Board and the Council need to address Ireland's obligations at UN and EU level regarding Climate Action
- Smarter Travel 49 actions

9.2.2. Dept. of Culture, Heritage and the Gaeltacht

- Recommend conditions relating to archaeological monitoring

9.2.3. Irish Water

- Subject to valid connection agreement the proposed connection to the networks can be facilitated

9.2.4. Transport Infrastructure Ireland (TII)

- Proposal to be undertaken in accordance with the recommendations of the Transport Assessment and Road Safety Audit submitted and any recommendations should be incorporated into conditions
- Any works required should be funded by the developer
- Note the Dundalk Inner Relief Road is a regional road R215 and R132 and is not the N52

9.2.5. Louth County Childcare Committee (LCCC)

- Welcome the development of creche
- Advise Universal Design Guidelines for Early Learning and Care Settings published in June 2019 are consulted

10.0 Assessment

10.1. Introduction

- 10.1.1. This assessment is divided into three main parts: planning assessment, environmental impact assessment and appropriate assessment. In each assessment, where necessary, I refer to the issues raised by observers, the Planning Authority and the Prescribed Bodies in submissions to the Board in response to the application.
- 10.1.2. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.
- 10.1.3. Pursuant to site inspection and inspection of the surrounding environs, examination of all documentation, plans and particulars and submissions/observations on file, I consider the following the relevant planning considerations of this application:
- Principle of Development
 - Density
 - Visual Impact
 - Residential and Golf Course Amenities Impact
 - Development Strategy
 - Design, Form and Layout
 - Open Space, Boundary Treatment, Trees and Recreational Amenity
 - Connections and Permeability
 - Traffic and Transport
 - Site Services, Surface Water and Flooding
 - Social Infrastructure, crèche and schools
 - Biodiversity
 - Other Issues

10.2. Principle of Development

- 10.2.1. The subject site is zoned **RES2** - *'To provide for new residential communities and supporting community facilities subject to availability of services'* in the Dundalk & Environs Development Plan 2009 – 2015 (DEDP). The Core Strategy Variation No.1 of the DEDP, in August 2011, designated the subject lands as Phase 3 residential development. It envisaged that Phase 1 lands would accommodate housing during the lifetime of the Plan i.e. up until 2015, and following this, Phase 2 and 3 would subsequently be developed. **Policy CS2** of the DEDP is very specific stating that only after the completion of development of up to 75% on phase 1 and 2 lands would subsequent phasing be considered for additional residential development. The subject lands are in Phase 3 and many observers have made submissions stating that development has not taken place on phase 1 and 2 lands up to 75%, and therefore the subject proposal is a material contravention of the DEDP and should be refused on that basis.
- 10.2.2. The applicants have submitted a statement of Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016A and that fact was also referred to in the Newspaper Notice.
- 10.2.3. Louth County Council Development Plan 2015 – 2021(CDP) is the County Plan and within this CDP it states that a new Local Area Plan (LAP) for Dundalk will be produced during the lifetime of the CDP. The current DEDP is dated 2009 – 2015 and to date has not been replaced.
- 10.2.4. The applicant's Material Contravention statement submits that policy **CS2** is no longer consistent with the CDP and NPF, and outlines why, in accordance with Section 37(2)(b) of the P&D Act, permission should be granted.
- 10.2.5. The 2016 SHD Act allows the Board to grant permission for a development that materially contravenes a plan (other than in relation to the zoning) having regard to the requirements of Section 37(2)(b) of the P&D Act. This section of the Act states the Board can materially contravene a Plan if: i) a development is to be of strategic importance, ii) there are conflicting objectives in the development plan, or iii) permission should be granted having regard to regional strategy or Section 28 Guidelines, or iv) having regard to the pattern of development in the vicinity. I intend to consider the proposal with respect to these requirements.

- 10.2.6. The applicant is of the opinion that the development is of *strategic importance* having regard to the scale and capacity of the development being significantly in excess of 100 units, the locational context of the site, national policy including the NPF and RSES, as well as the failure of planning policy framework and market to deliver units to date. I am satisfied that the development is of strategic importance and will deliver a substantial number of dwellings in an area that is well located in terms of employment and education, and an area whereby population growth has not kept pace with employment growth. Having regard to the importance of growth in Dundalk as described in the NPF on the Dublin-Belfast corridor (see section 6.1.2 above), I am of the opinion that the proposal could be considered to be of strategic importance as required by Section 37(2)(b)(i).
- 10.2.7. With respect to conflicting objectives, I am of the opinion that there are conflicting objectives between the NPF, the CDP and the DEDP. Dundalk is identified in the NPF as being a town to be prioritised for growth along the main Dublin-Belfast corridor. Within the CDP and the DEDP, the development is zoned appropriately, however the conflict arises with respect to the phasing as outlined in the dated DEDP and in particular policy CS2 therein. The Planning Authority as well as the applicant address the conflict.
- 10.2.8. The Planning Authority acknowledge in their submission that the core strategy is an outdated document which has not been updated to accord with the core strategy of the CDP or allocated the additional 57 Ha for residential lands required up to 2021. It is further stated that the principles of the outdated core strategy have not served to deliver the quantum of housing required on phase 1 lands due to a number of impediments including infrastructure deficits, land ownerships, financing etc. There is reference to the applicant's assessment of development since 2010 at which point there was 2,296 units with planning permission across phased lands 1, 2 and 3. The assessment demonstrates that only 322 units have been permitted in Dundalk and Environs since 2010, 67 no. on phase 1 lands which indicates that development is falling far short of the required growth rate. The Planning Authority consider this to be a robust assessment.
- 10.2.9. In summary the applicant has provided the following information:

- Variation no.1 of the DEDP in August 2011 designated 50 Ha for Phase 1 (1,750 units) up to 2016.
- CDP Core Strategy of 2015 allocated an additional 1,600 units - 57Ha of Phase 1 lands between 2016 and 2021.
 - No Variation or LAP has been prepared to allocate this land
- Total housing target in the Core Strategy for Dundalk from 2010 to 2021 is 3,350 units – 1,750 under the Town Plan up to 2016 and 1,600 under the CDP up to 2021.
- Current under provision of 2,950 no. permitted units.
- Since 2010, only 67 no. units have been permitted on Phase 1 lands and only 10 have been constructed (as of April 2019). Recent applications reveal that Phase 1 lands are constrained in their ability to accommodate housing, and subsequently LIHAF funding has been awarded to deliver 212 dwellings up to 2021 and 1,200 overall.
- On all phases of land c.573 no. units are the subject of commencement notices and 82 no. units that had not been allocated.
- Current under provision of 1,518 no. units to meet the housing allocation of 1,600 units in the CDP up to 2021 which compounds the significant under-provision of 1,740 units on phase 1 lands.
- The 2016 Census for Dundalk was 3,296 persons short of the CDP population growth target in 2016.

10.2.10. I note that one of the observers provided a very thorough analysis of planning permissions granted in the area amounting to 2,836 units. A substantial number are due to expire relatively soon. The observer has not provided information on the status of these developments, to contradict the information provided by the applicant which is considered a robust assessment by the Planning Authority. Two of the larger developments are recent decisions by the Board in relation to other SHD developments (ABP Ref. 303253 and ABP Ref. 303891 for 158 and 142 units respectively).

- 10.2.11. The observer further makes the point that the phasing was decided based on considered and sustainable reasons and should not be contravened even if development has not taken place on phase 1 or 2 lands. It is further considered that there is not such an acute housing shortage within Dundalk's existing and future housing market to justify development of phase 3 lands in preference to higher priority locations. This runs contrary to the submission of the Planning Authority which states that there are shortages, and this has been brought to their attention by various parties including the IDA.
- 10.2.12. I am satisfied that there is clearly a conflict between the DEDP policies and the CDP policies for the growth of Dundalk. I note that the County Development Plan states that it is the over-arching Plan for the county and it identifies a requirement for an **additional 57Ha** of zoned land for Dundalk to enable development and growth meet its 2021 objective. The **subject site is zoned** for such residential development and the site is no longer constrained in terms of water and waste infrastructure as evidenced by the Irish Water submission. The site is in a position to meet some of the requirement for housing for Dundalk and Environs and to go some way towards meeting the objectives of the County Development Plan to provide an additional 1,600 units before the current County Development Plan expires in 2021.
- 10.2.13. Having regard to conflicting policies between the 2009 - 2015 DEDP and the current CDP 2015 – 2021, I am satisfied that the Board can consider granting permission contravening the DEDP Plan based on section 37(2)(b)(ii) requirements.
- 10.2.14. In conclusion, should the Board wish to grant permission I am satisfied that the Board is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b).
- 10.2.15. With respect to other third-party concerns in relation to the principle of development, while its use has historically been for agricultural purposes, the site is appropriately zoned for residential purposes and cannot remain a green agricultural space between the conurbations of Blackrock and Dundalk.
- 10.2.16. Part of the site is zoned for open space and this is incorporated into the overall development.
- 10.2.17. Reference is also made to the Bearna High Court decision by one observer. I am of the opinion that this is not applicable in this case – the applicant has included

a Material Contravention Statement and has highlighted that they are of the opinion that the proposal is in contravention of the Plan.

10.2.18. Thus, in conclusion I am satisfied that the principle of development is acceptable and that the Board is not precluded from materially contravening the DEDP should it be of a mind to grant permission.

10.3. Density

10.3.1. The site has two zonings, RES2 and Open Space. The overall site is stated as being 17.9Ha and the open space zoned area is c.3.7Ha, indicating an area of 14.2Ha for development. The applicant includes an area of 0.4Ha for the existing road, thereby reducing the developable area to 13.8Ha. Based on 483 no. residential units, this results in a density of 35 units per hectare.

10.3.2. The *Sustainable Residential Development in Urban Areas Guidelines 2009*, provides guidance on densities. Having regard to the location of the development, I am of the opinion that it could be considered to be an outer suburban/greenfield site of a large town which is required to have a density of 35-50 units/hectare.

10.3.3. A number of observers consider that the density is too high for the location and a reduced density was suggested by some observers. One observer considers that the density is more appropriate for a Dublin site.

10.3.4. I disagree and consider that 35 units per hectare is on the low side having regard to its location adjacent to Dundalk Town. However, this has to be balanced with the availability of public transport. While the site is within walking and cycling distance of Blackrock and Dundalk with greater public transport options, public transport is limited along the R172 directly. As such, I am satisfied that while the proposal is on the low side of the 35-50 units per hectare guidance, it complies with the Guidelines and is appropriate for its location.

10.3.5. Furthermore, having regard to its locational context and the very low density of development along Bothar Maol and to the east of the site, I am satisfied that 35 units per hectare is appropriate in this particular case.

10.4. Visual Impact

10.4.1. A number of submissions referred to the impact of the development on the visual amenities of the area. Concerns in particular were raised about views from the golf

course. Many observers stated that the view from the golf course is part of its attraction. In addition, the locations of the photomontage images were questioned by observers.

- 10.4.2. As part of my site visit I drove up Birches Lane which leads to the golf course. I note that View 1 of the Photomontages appears to be from the entrance to the golf course where there will be a direct view of the southern side of the development. Due to the topography and wide expanse of the view, I do not consider that there will be a seriously negative impact on the view for golfers. The photomontage image does not indicate the Cooley Mountains very clearly, but on the day of my site visit, they could be seen relatively clearly. I am of the opinion that the development will not seriously detract from the view or impact on the visual amenities of golfers.
- 10.4.3. I do not agree with the observers who consider that the development will occupy a visually prominent site and will impact on the overall visual amenities of the area. There is relatively good screening from the R172 and there will only be brief glimpses into the development at the proposed entrance. The landscape screening is mostly within privately owned dwellings along the road and will not be impacted by the proposal. The photomontage View 2 indicates how the development will be seen from the R172. The dwellings are set well back from the entrance and will only be glimpsed by passers-by. Likewise, there will only be fleeting glimpses at the junction of Bothar Maol and the R172.
- 10.4.4. I am satisfied that the landscape strategy proposed at the boundary will ensure that the entrance off the R172 will not present as a discordant or jarring visual element along the road.
- 10.4.5. In addition, I do not agree that the photomontages are selective or limited, as considered by some observers. The images and locations chosen represent in general, how the development will look from locations where there are opportunities for it to be seen.
- 10.4.6. In conclusion, I am satisfied that the development will not have a seriously injurious impact on the visual amenities of the area or the golf club, and I do not consider that it will introduce a new, unusual or discordant visual element into the area.

10.5. Residential and Golf Course Amenities Impact

- 10.5.1. There were many observations in relation to the impact on the residential amenities of residents along Bothar Maol and to the east of the site, in particular with respect to separation distance, height of development etc.
- 10.5.2. The layout of the development has considered the surrounding land uses. The 3 and 4 storey apartment blocks are focussed on the centre of the site surrounding the zoned open space lands. The two storey dwellings are to the rear of the Bothar Maol dwellings. Of further note is the fact that the dwellings have, for the most part, their gables facing Bothar Maol dwellings to further limit any perceptions of overlooking or privacy concerns.
- 10.5.3. One observation noted specific concerns with the proximity to the rear of their dwelling and questioned the accuracy of the dimensions indicated between theirs and the proposed dwellings. Their particular dwelling is set far back into their site. I agree with the observation that the dimension indicated on the drawing is not the closest dimension, but there is no direct overlooking into the rear of their garden and any views would be oblique. In addition, this observation expresses concern with light and passive heating due to the south-facing nature of their dwelling. The proposed dwellings are two storey semi-detached and will not seriously impact on light. The dwellings are spaced well apart with a 'homezone' between them, thereby avoiding the majority of the rear of the observers dwelling in terms of overshadowing – I draw the Board's attention to Architectural Drawing 1806-OMP-00-ZZ-DR-A-XX-10005 for details.
- 10.5.4. It is noted by some observers that there is no analysis of overshadowing. However, having regard to the location of the site and the limited number of adjacent dwellings I do not consider this to be a reason for refusal. Having regard to the distances between existing dwellings and the proposed, as well as the two storey nature of dwellings adjoining Bothar Maol, I do not consider that overshadowing will be of significant concern.
- 10.5.5. With respect to noise and dust during construction, as noted in Section 11.11 below an outline Construction and Environmental Management Plan (CEMP) has been submitted with the application which details how noise and dust will be managed through construction. Construction traffic will come from the north and not through

Blackrock village which will mitigate any potential impacts with HGV traffic, noise and dust on the amenities of those residents.

- 10.5.6. With respect to the golf course, I do not accept that there will be a seriously negative impact on the amenities of the users of the golf course. There is reference to noise and the current disturbance being experienced by players due to the construction of the Seaview development to the south. While I accept there may be some additional noise during construction, this will be temporary and subject to the mitigation measures as outlined in the CEMP will be within acceptable standards. This is dealt with further in section 11.9 below.
- 10.5.7. In terms of stray golf balls, the submission from the golf club expressed concern for the new residents. It is stated that the western boundary runs parallel to the first and second holes, and no consideration towards the golf club or future safety and amenity of new residents has been incorporated into the layout. It is submitted that a substantive buffer is lacking. I will address boundary treatment below, however concerns are raised that there is an insufficient barrier between developments. Images are provided by the observer indicating 'safety cages' whereby overshot golf balls could enter the development. In response, the Planning Authority state that the existence of the golf course cannot in itself negate development on residential zoned lands outside the legal boundary of the golf course. It is further stated that the golf course should have mitigation measures in place to ensure no balls enter private property outside the control of the golf course. Furthermore, it is considered that the responsibility of mitigating against this lies with the golf course and not entirely with the developer.
- 10.5.8. I am of the opinion that additional boundary treatment can be established by the developer, but I also agree with the Planning Authority that if there is such a high risk of stray golf balls entering private land, then this is an issue for the golf course to address.
- 10.5.9. In conclusion, I do not accept that the amenities of the golf course are significantly negatively impacted by the proposed development. I am also of the opinion that with additional boundary screening by the developer this will help limit the impact from the developer's land. However, I do not consider there should be 'exclusion zones' on private lands for development in proximity to the golf course.

10.6. Development Strategy

- Design, Form and Layout
- Open Space, Boundary Treatment, Trees and Recreational Amenity
- Connections and Permeability

Design, Form and Layout

- 10.6.1. An Urban Design Statement accompanies the application. It details the alternatives considered, the concept design and the approach to the overall layout of the proposal. A Housing Quality Assessment provides details about the individual apartments and the houses.
- 10.6.2. The Urban Design Statement indicates the massing, scale and height strategy as well as explaining the reasoning and detail behind the 5 different character areas proposed. Materials chosen for each character area are described and examples of palettes provided. The landscape masterplan is also detailed and the open space areas as well as the zoned open space are described.
- 10.6.3. I am satisfied that the proposed development provides for a suitable mix of 1, 2, 3, 4- and 5-bedroom units in a mix of typologies including houses, apartments and duplex units (as detailed in Section 3.1 above). There will be an on-site crèche as well as commitments with respect to Part V units.
- 10.6.4. With respect to the apartments, I note that the applicant has submitted how the development complies with the Design Standards for New Apartments Guidelines 2018. The SPPR's are addressed within the Planning Statement. It is noted that all apartments exceed the minimum floor areas and 51% of units have dual aspect.
- 10.6.5. In terms of layout, the applicant states that the layout has been amended following the pre-application consultations with the Board to remove car parking spaces that had previously been located in the zoned open space. This has been achieved by providing underground parking and a reduction in the numbers of units from 485 to 483. The applicant further notes that the development of apartments at the edges of the open space zone frame the views and offer passive supervision of the large open space. The development tapers towards the edges of the scheme having regard to the existing dwellings.

- 10.6.6. Concerns were raised by observers that the design does nothing to improve activity or passive supervision of Bothar Maol and they make reference to an Inspector's Report for a development of 16 houses to the north, ABP. Ref. 302842-18, whereby the Inspector did not consider that development would add to creating a sense of place etc. This development is entirely different and is large enough to establish its own character and indeed I refer to the 5 character areas that will make up the development.
- 10.6.7. In terms of design, form and layout, I consider that this is a well thought out scheme and a scheme that has responded to its locational context as well as the existing development along the boundaries, while meeting the densities required for an outer suburban site. It is in compliance with the various policy and Section 28 Guidelines including the Apartment Guidelines 2018, DMURS and the Sustainable Residential Development in Urban Areas Guidelines.

Open Space, Boundary Treatment, Trees and Recreational Amenity

- 10.6.8. As noted there is an area zoned for Open Space in the centre of the overall site. This will provide a central public park area of c.3.1Ha for the future and existing residents. In addition to the central open space, the individual green spaces for the dwellings amounts to 1.4Ha or 10.2% of the developable area. A landscaping strategy has been submitted as part of the application documentation. The landscape strategy reflects the character areas and describes the proposals including the hard landscaping for each area. These areas are further detailed in the drawings which accompanied the application.
- 10.6.9. The Boundary treatment is detailed on the drawings. Different proposals are put forward depending on function and location. A 2m high black paladin fence is proposed along the boundary with the golf course.
- 10.6.10. Concerns were raised by an observer who lives on the northern side of the proposed access from the R172. It would appear that works are indicated along this boundary just outside of the red line. There is no separate blue line shown on the drawings. Two road stubs are proposed which the observer considers lead right into his back garden with no barrier/gate or fence illustrated. Furthermore, the observer considers that this work will result in trees being cut down and replaced by a 1.2m fence.

There are road stubs proposed indicating a future connection – I draw the Board's attention to Drg. No. 18.130.104.1 and section 4 and 5 on Drg. No. 18.130.401. I fully agree with the observer that the road stub should not extend into private land or outside the red line, and an improved boundary should be provided along the new entrance road. The observer has requested that a high Boundary Wall (Type A or B) is built between their land and the development. As noted above there are no blue lines on the drawing and it can therefore be assumed that this is the observer's land. Having regard to this, I consider a request for an alternative boundary to be reasonable and recommend a condition to this effect is appended should the Board be of a mind to grant permission. The road stubs should be constructed up to the boundary of the land owned by the applicant but within the red line such that in the event that ownership or situations change, future development is not prohibited.

- 10.6.11. The residents of Bothar Maol express concerns with the boundary treatment proposed adjacent to their residences. A 2m high wall is proposed while the existing hedgerow will be protected. I acknowledge that there is a difference in height along this boundary, but I am satisfied that with the proposed layout of the dwellings (gable facing the boundary) as well as a 2m high fence and improved planting of trees, this will avoid a significant impact on the amenities of the existing dwellings.
- 10.6.12. The boundary with the golf course is considered porous and insubstantial by observers. A 2m high boundary is proposed as well as additional planting. I consider this to be appropriate and acceptable.
- 10.6.13. It is noted that a Tree Survey was carried out, but at some point after the commencement of the project the trees near the Bothar Maol and R172 junction were felled by an unknown third party. The tree survey was updated as part of Appendix 1.
- 10.6.14. I am satisfied that the landscaping and boundary strategy are acceptable – subject to condition including improvements along the northern boundary of the access to the site from the R172. The development of the 3.1Ha park will add to the amenities of the general area, as well as providing good quality recreational areas for the new future residents. I consider this proposal to be of a high standard and will improve amenities for both existing and future residents.

Connections and Permeability

- 10.6.15. The proposal includes only one vehicular access onto the R172. This is the main entrance to the site for all modes of transport. There are two proposed accesses onto Bothar Maol which are considered suitable for pedestrian and cyclists only. The residents along Bothar Maol consider that this is a private lane that has not been taken-in-charge and does not have footpaths etc. suitable for the additional use proposed. Reference is made to a High Court judgement whereby the lane was declared a private way.
- 10.6.16. Reference is also made to an Inspector's Report in an appeal, ABP-302842-18, and comments therein with respect to access to Bothar Maol. That development was for 16 dwellings on the northern side of Bothar Maol with a proposed main access through a cul-de-sac of an existing estate called The Loakers. I note the Board refused permission having regard to the design of the houses and the lack of an appropriate mix of typology contrary to policy HC30 of the DEDP, as well as the proposed street layout not being conducive to pedestrian safety. There is no reference to pedestrian access to Bothar Maol being a reason for refusal, albeit the Inspector noted that both sides had opposing views on right of access onto Bothar Maol as it would appear ownership and rights were brought up in that appeal also.
- 10.6.17. In addition, the Inspector refers to concerns with the condition and the ability of the laneway to accommodate additional footfall. On the day of my site visit, the lane appeared to be in reasonable condition and being only proposed for pedestrian and cyclist use, I consider this to be acceptable. Vehicular traffic would be limited to existing levels having regard to the cul-de-sac nature of the lane and the fact that it is not proposed to provide vehicular access onto Bothar Maol from the development.
- 10.6.18. The proposed accesses on Bothar Maol are at established gates and a right-of-way is indicated on the site location map near the junction of Bothar Maol and the R172. Observers query the taking-in-charge drawing which indicates that where the right-of-way is shown that this will be taken-in-charge. While access onto Bothar Maol is queried, I note that the right-of-way at the junction of Bothar Maol and the R172 is shown on the Land Direct maps operated by the Property Registration Authority.

10.6.19. Moreover, the Development Management Guidelines refer to such issues as land ownership. Section 5.13 of the said Guidelines states that '*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts*'. I refer to the Act whereby a grant of permission is subject to the provisions of section 34(13) of the Act, and the developer must be certain under civil law that he/she has all rights in the land to execute any grant of permission.

10.6.20. In terms of illustrated connectivity and permeability, I am satisfied that the development design is acceptable both internally to the site and externally.

10.6.21. In addition, the location of the development will provide opportunities for modal shift from the private car to other alternatives. It is unfortunate that the connection between Bothar Maol and the R132 (old N52) is currently not accessible to pedestrians and cyclists, however the subject development will not prohibit future access should this situation change, and indeed the proposal includes for permeability to lands zoned for future development to the south – thereby improving accessibility to other parts of Blackrock. The road stubs will provide connectivity and permeability to lands adjacent to the south (and to the north if required).

10.6.22. A DMURS Design Statement has been submitted indicating how the design delivers a safe place of high functionality and the creation of a defined hierarchy of streets.

10.6.23. I am satisfied that the proposal provides for permeability and connectivity both within the development and externally and will not prohibit future development to lands to the south.

10.7. **Traffic and Transport**

10.7.1. Issues raised by observers include increased traffic on the R172, TRICS data, sightlines, safety of access to private dwellings, construction traffic, climate change, Smarter Travel, as well as lack of footpaths and cycle lanes in the vicinity.

10.7.2. Concerns are expressed about the increase in traffic along the R172. As further detailed in Section 11.14 below, there will undoubtedly be an increase in traffic along the R172 and the data indicates that there will be a slight to moderate negative impact on the operation of certain junctions in the vicinity. However, I do not consider

this to be a reason for refusal having regard to the benefits of the proposal. A substantial number of large employers are located within a 24-minute walk and cycle time, and the development of this residential area in close proximity to such large employers and the third level institute will encourage a modal shift out of the private car.

- 10.7.3. The traffic data used is queried by observers. I note that the scoping of the Traffic Assessments was done in-conjunction with the Planning Authority and Engineering Staff. The Planning Authority accept the assessment that the Traffic and Transport Assessment states there will be slight to moderate effect at key junctions.
- 10.7.4. In terms of sightlines, the access to the site is just outside the 50kph speed limit and within the 60kph speed limit. Sightlines are addressed in the Engineering Report and it is stated that the required sightlines of 65m can be achieved in both directions with works consented to by relevant land owner. Other observers consider this road to be an accident blackspot. The proposal has been designed in accordance with the relevant standards and provides adequate sightlines.
- 10.7.5. One observer expressed concern with access to their dwelling to the north of the entrance. As noted above sightlines are in accordance with requirements of the Local Authority which may provide improved visibility to the adjoining residents.
- 10.7.6. Concerns were raised that construction traffic may come via Blackrock village or along Bothar Maol. The EIAR makes commitments in relation to traffic coming from the north and Bothar Maol is not suitable for the numbers of HGVs. These will access the site through the proposed entrance area only.
- 10.7.7. An Taisce expressed concerns with climate change and makes reference to Smarter Travel. The internal layout of the development promotes pedestrians and cyclists. It is compliant with DMURS and includes Homezones. I acknowledge that there are limited public transport options directly along the R172 but there are services, and there are additional services within Blackrock Village and Dundalk Town Centre. I note that the Planning Authority refers to concerns about population growth keeping up with economic growth in Dundalk. This proposal will help alleviate this problem by providing a mixed tenure and a mix of development typologies in an area targeted for growth and with an existing significant employment base. As previously highlighted

the development is within a manageable walking and cycling distance of major employers as well as the third level institute.

- 10.7.8. Footpaths and cycle lanes are raised by many observers. I note that there is a footpath along only one side of the R172. The Designated Sites are on the far side of the road. I acknowledge that it would be difficult to include a cycle lane along the R172 having regard to this fact. However, the developer has provided footpaths/cycle lanes/homezones within the subject lands as appropriate and on lands within his control. While access is prohibited between Bothar Maol and the R132, there is good access for pedestrians and cyclists to Dundalk employment and retail areas, just north of The Loakers.
- 10.7.9. In conclusion, this proposal is well situated within manageable walking and cycling access of large employment and retail services. There will be a slight to moderate impact on junctions in the vicinity however, having regard to the benefits of the development, I do not consider this to be a reason for refusal. The development has been designed in accordance with DMURS and I am of the opinion that it is a sustainable response to its location on zoned and serviced lands.

10.8. **Site Services, Surface Water and Flooding**

- 10.8.1. There were numerous issues raised about services. In the first instance, the developer has provided correspondence from Irish Water which indicates that Irish Water has no objections to the proposal subject to connection agreements. Therefore, I am satisfied that the capacity is available within the public supplies to accommodate this development.
- 10.8.2. Another observer raised a concern about power supplies to existing dwellings. I note that the powerlines bisect the site and it is unclear if the developer intends to relocate the lines or place them underground. I am of the opinion that the lines should be relocated or placed underground and a condition to this should be appended should the Board be of a mind to grant permission. Furthermore, the Council have a Policy **EnCo4** which requires the undergrounding of electrical cables within new residential developments.
- 10.8.3. Other concerns were raised about installing pipes along Bothar Maol and works within the private laneway. The design for foul sewerage indicates a rising main exiting the westerly access at Bothar Maol and running in the laneway out towards

the R132 (old N52) and connecting into the public system at that stage. Likewise, the water mains will connect to the existing public supply near the Crowne Plaza Hotel. A new District Metered Area (DMA) and a new pipeline will be installed from the connection point and will extend along Bothar Maol before entering into the site at the westerly access, run through the site and connect to the existing mains on the R172. It includes connecting the existing public potable watermain that extends along and serves the dwellings on Bothar Maol into the new main. The observers state that no such permission has been provided by the residents to permit any works along Bothar Maol. The developer states that both water and foul works relating to the construction of the infrastructure outside the site boundary will be constructed by the approved Irish Water Contractor and the new DMA pipeline will be constructed by the developer under a self-lay agreement with Irish Water, which will be vested to Irish Water once completed. Again, I refer to the Act whereby a grant of permission is subject to the provisions of section 34(13) and the developer must be certain under civil law that he/she has all rights in the land to execute any grant of permission. In addition, I note that these works will be carried out by/in agreement with Irish Water who are a Statutory Undertaker.

10.8.4. With respect to Surface Water, it is proposed to maintain green field run-off rates. It has been designed in accordance with the Greater Dublin Strategic Drainage Study. Having regard to the location of the development in close proximity to the Designated Sites, this drainage is of utmost importance and is dealt with further in Section 12 below. The Engineering Report describes the storm water system proposed to mimic the existing run-off.

10.8.5. An observer queries the right of ownership to carry out works relating to storm water drainage along the R172. It is noted that there are letters of consent from Louth County Council to permit works near Bothar Maol/R172 junction. One of the observers questions the right of Louth County Council to provide the consent, stating that the lands are in his ownership. The observer includes a map of a property folio whereby it is stated that he has freehold ownership to the centre of the road from both sides of the R172, i.e. across the entire R172 near the junction with Bothar Maol. He states that he believes Louth County Council granted consent in good faith and while they have a right of way over that part of the R172, he is the freehold owner. Again, I refer back to the Development Management Guidelines and section

34(13), as well as the role of the Local Authority to carry out development in its functional area.

- 10.8.6. In terms of flooding, it is noted that the entrance to the site is at risk of coastal flooding. A Flood Risk Assessment (FRA) has been submitted with the application. Measures have been put forward to alleviate any potential flooding including raising the R172 carriageway on either side of the new entrance, to ensure the site can be accessed during extreme coastal flooding. It is stated that no proposed dwellings are at risk of flooding as their floor level is raised. It is also stated that the development will not exacerbate flooding in the immediate vicinity or wider area.
- 10.8.7. One of the observers included photos of flooding of their property during 2014. They state that they frequently experience flooding in their back garden originating from the field behind. The FRA states that the development will be serviced by surface water network that discharges into the Dundalk Bay following on-site attenuation/infiltration. The site levels around the dwellings have been designed so that sufficient falls exist that ensure that the storm water discharges by gravity into gulleys and drainage channels, and on into below ground gravity pipe network prior to connecting to the attenuation system for the development.
- 10.8.8. The residents along Bothar Maol consider that a number of houses are within a 10m separation distance from a dwelling and septic tank percolation area. The Planning Authority address this concern and make reference to policies within the CDP, in particular, ENV17 and ENV19 which require all permitted development taking place within an area served by a public wastewater treatment system to connect to that system, and to require all private wastewater treatment systems to comply with the EPA Code of Practice. If there are issues with separation distances a condition should be appended to ensure that standards are met and that policy ENV17 shall be complied with.
- 10.8.9. In conclusion, I am satisfied that there are no capacity issues as evidenced by the Irish Water submission. The main issue is with respect to works on/within Bothar Maol. The residents are of the opinion that the lane is private and that they need to provide permission to carry out works on the laneway. The applicant considers that there is a right-of-way at both entrances proposed off Bothar Maol and that the services external to the site will be constructed by the approved Irish Water

Contractor. No evidence has been provided by either party to conclusively prove one way or the other that there is/is not a right to carry out the works. In this respect I am satisfied that the applicant has lodged a valid application but refer the applicant to section 34(13) of the Planning and Development Act.

10.9. Social Infrastructure, crèche and schools

- 10.9.1. Concerns are raised in relation to social infrastructure and services available. There are references to shortages of school places, and other sporting facilities.
- 10.9.2. A crèche is included as part of the development and having regard to the location of the site, it is within relatively easy reach of numerous schools in Dundalk and Blackrock. The site benefits from its proximity to the third level Dundalk Institute of Technology.
- 10.9.3. The proposal includes for a large public central park which will offer various type of facilities for young children, playgrounds as well as kick-about spaces.
- 10.9.4. The applicant has included proposals for Part V and the Local Authority have confirmed that this is acceptable.
- 10.9.5. I am of the opinion that there is sufficient social infrastructure which is also supported by the Planning Authority.

10.10. Biodiversity

- 10.10.1. I note that a Natura Impact Statement (NIS) has accompanied the application and is addressed further in section 12 of this Report below. Furthermore, the application is accompanied by an Environmental Impact Assessment Report (EIAR) which is addressed in section 11 of this Report. Biodiversity is specifically addressed within Chapter 4 of the EIAR. Observations made in relation to this topic relate to concerns about the impact of the development on the Designated Sites. There are no protected or rare flora and fauna on the site itself.
- 10.10.2. It would appear that trees in the north-east corner of the site have been recently felled. Some observers refer to this fact. The applicant notes that this was reported to the Gardai and is being dealt with as a criminal act.
- 10.10.3. Other observers requested that the remaining trees are maintained or not felled to provide a view for the new residents. A tree survey report has been prepared and included in the application documents.

10.10.4. The golf club refer to biodiversity areas that they are enhancing which will add to the area. They are concerned that there could be a negative impact on these areas, however there are mitigation measures referred to in the EIAR and the CEMP.

10.10.5. Thus, as with the findings of section 12 below and the EIA carried out, I am satisfied that there will not be a significant adverse impact on biodiversity.

10.11. Other Issues

10.11.1. One of the observers considered that the public notices did not fully or adequately describe the nature and extent of the development because no reference was made to the installation of a foul sewer rising main or replacement of existing water mains along Bothar Maol. I am satisfied that the legislation requires that a brief description of the nature and extent of the development is required which was complied with. Furthermore, the applicant details the fact that works outside the site will be carried out by Irish Water – all other works fall within the red line. I have addressed the road stubs at the entrance previously.

10.12. Overall Planning Conclusion

10.12.1. I am satisfied that the proposal will provide much needed residential development for the Dundalk area. While the density of development at 35 units/hectare is on the low side of the recommendations for such areas, it nonetheless complies, and I consider that it is a reasonable response to its locational context beside the Golf course and the large ‘one-off’ type dwellings that surround it, and importantly in response to the limited public transport immediately in the vicinity.

10.12.2. The dwellings and crèche are located on lands zoned for such development. The public park is proposed on lands zoned for such uses. The proposal is accompanied by a Material Contravention Statement which I consider justifies the Board in contravening the outdated core strategy of the Dundalk and Environs Development Plan 2009 – 2015 with respect to the phasing of development. The proposal complies with the over-arching County Development Plan 2015 – 2021, and goes some way towards meeting the housing objectives of the Plan for an additional 1,600 units before 2021.

- 10.12.3. It provides for a mix of dwelling types of 1 to 5-bedroom units in housing and apartment form and will provide distinct character areas in response to the location within the development and having regard to the views available of the Cooley Mountains.
- 10.12.4. A large public park is included as part of the scheme which will be an asset to the existing and new residents of Blackrock and Dundalk.
- 10.12.5. In conclusion, the proposal accords with the policies and objectives of the National Planning Framework and the Louth County Development Plan and is in accordance with the proper planning and sustainable development of the area.

11.0 Environmental Impact Assessment

- 11.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.
- 11.1.1. The development involves a total of 483 residential units, a creche and other associated developments on a site of 17.9 hectares. The site is located within the Dundalk & Environs Development Plan area, i.e. within an urban area.
- 11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an EIA is required for infrastructure projects that involve:
- i) Construction of more than 500 dwelling units*
 - iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*
- 11.1.3. Having regard to the proposed development of 483 dwelling units and the site area of 17.9Ha, as well as the proximity to the Designated Sites of Dundalk Bay, it is considered that a sub-threshold EIAR is required.
- 11.2. The EIAR is laid out in three documents, the non-technical summary, the main document, and appendices A to J. Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the project including the construction and operational aspects, consideration of alternatives, consultation and Risk of Major Accidents as well as cumulative impacts. Chapter 14 provides a summary of mitigation measures and Chapter 15 sets out references.
- 11.2.1. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following

factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

11.2.2. With respect to Article 3(2), section 2.9 of the EIAR refers to Major Accidents/Disasters. It is stated that an Outline Construction Environmental Management Plan (CEMP) has been submitted as part of this application which will be developed further by the Contractor and will list all environmental mitigation measures and includes the appointment of an Environmental Manager during the construction phase. It is noted that a lower tier Seveso site, Cooley Distillery, is located c.5km east of the site on the opposite site of Dundalk bay and is not considered to pose any potential risk of major accident and/or disaster.

11.2.3. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Potential flooding has been addressed in this EIAR (and dealt with further below). I am satisfied that the risk of major accident is low.

11.2.4. The likely significant direct and indirect effects on the environment are considered in Chapters 3 -12 under the following headings:

- Population and Human Health
- Biodiversity
- Landscape and Visual
- Air Quality and Climate
- Noise and Vibration
- Traffic
- Land, Soils & Geology
- Water

- Cultural Heritage
- Material Assets

11.3. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the results of the submissions made by the observers, planning authorities and prescribed bodies has been set out at Section 7, 8 and 9 of this report. The main issues raised specific to EIA can be summarised as follows:

- Potential impact on operation of traffic junctions.
- Potential impact of tidal/coastal Flooding.
- Potential impact on landscape and visual impact.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

11.3.1. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

11.3.2. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 10 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

11.4. **Alternatives**

11.4.1. **Section 2.9** addresses the alternatives considered. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.4.2. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout as well as parking arrangements. A summary of the alternatives is provided. Having regard to the zoning of the site as residential, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

11.5. Consultations

11.5.1. Details of the consultation entered into by the applicant as part of the preparation of the application and EIAR are set out in the section 2.7 of the EIAR and are considered adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.6. Likely Significant Direct and Indirect Effects

11.6.1. The likely significant direct and indirect effects of the development are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape;

- the interaction between the factors referred to in points (a) to (d).

11.6.2. With respect to cumulative impacts it is stated that they have been considered for each environmental topic. A summary of all committed developments in the immediate environs within the last 7 years are presented and have been reviewed within the EIAR. The results of the cumulative impact assessment for each environmental topic are presented in Chapter 3 to 12 and Chapter 13 Interactions.

11.6.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

Population and Human Health

11.7. Population and Human Health is addressed in Chapter 3 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic trends are examined, and it is noted that the 2016 census indicated that Dundalk is the third largest town in the state after Drogheda and Swords. It is further noted that Dundalk and its environs will be targeted as a key growth zone in terms of economic and employment opportunities over the next ten years. In terms of human health, it is considered that the key potential environmental pathways in the receiving environment are air, noise, soil and water.

11.7.1. Potential impacts are considered under Land use and Community, Population, Employment and Economic Activity and Health. With respect to land-use, it is considered that the economic future is positive and with the significant population increase since 2011 this proposal is in line with existing and emerging trends for the area. The land is zoned and while there will be a permanent change to the land use, it is consistent with the zoning objective. During construction there will be no significant adverse impacts on adjoining land uses or properties, and it is considered that the proposal will have a slight positive permanent impact on the local community. It is expected that c.40 to 50 staff will be employed during construction and the creche will provide permanent employment. A Stage 1 Human Health screening assessment was carried out and a Source-Pathway-Receptor model is presented in table 3.2. Unplanned events are addressed including traffic accidents, flooding, fire and emergencies.

- 11.7.2. Mitigation measures during the construction and operational phase are detailed. Reference is made to the Construction and Environmental Management Plan (CEMP), as well as to the Construction Traffic Management Plan (CTMP) and it is noted that Chapter 6, 7 and 9 (Air Quality & Climate, Noise & Vibration, and Lands, Soils & Geology respectively) detail measures to address risks to health receptors. Chapter 10, water, addresses mitigation measures during operational phase.
- 11.7.3. With respect to Residual Impacts, none are anticipated. It is considered that the overall impact will be slight positive and permanent.
- 11.7.4. I note that residents along Bothar Maol express concerns with their Health, Safety and Welfare during construction. However, I am satisfied that the EIAR adequately demonstrates how these concerns are addressed with respect to the potential pathways, and the CEMP and CTMP include appropriate mitigation measures.
- 11.7.5. I have considered all of the written submissions made in relation to population and human health. Having regard to the development of residential accommodation on zoned and serviced lands, and having regard to the need for residential development for the increasing population, I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

Biodiversity

- 11.8. Biodiversity is addressed in Chapter 4 of the EIAR. It is noted that a Natura Impact Statement has been submitted as part of the application. The Biodiversity chapter details the methodology of the ecological assessment and the Natura Impact Statement.
- 11.8.1. In terms of the receiving environment, it is stated that the site does not contain any significant watercourse or stream channels but is close to the coast and contains some degraded wetland fringe habitat which drains naturally via groundwater and surface flow to Dundalk Bay. The site is ecologically and hydrologically connected to the designated sites of Dundalk Bay. Habitats and Flora are identified. It is stated that no species of protected flora or invasive alien flora were identified. Protected

fauna is described. Bats were observed, and a local population of badgers were confirmed as active in the area but no setts were found or indicated.

- 11.8.2. The interior of the site provides very little suitable nesting habitat. The boundary vegetation provides good nesting opportunities. The site provides no realistic opportunities for waders, winter birds or other ground nesting birds.
- 11.8.3. An Ecological Impact Assessment identifies the likely significant ecological effects (during construction & operational phase) and assesses designated sites, habitats & flora, bats, badgers, hedgehogs, hares, herpetofauna, and avifauna. Table 4.7 provides a thorough and detailed assessment of potential ecological impacts.
- 11.8.4. Mitigation measures are set out in Table 4.8 and include mitigation for designated sites with reference to the outline Construction and Environmental Management Plan (CEMP) submitted as part of the application. Phasing, landscaping replanting and maturation are detailed for Habitats & Flora as well as Bats and Terrestrial Mammals. A commitment to resurvey the site for badger activity and other terrestrial mammals the Autumn/Winter prior to the commencement of each phase is made as part of the mitigation measures. All incidental vegetation clearance will be implemented during the winter months outside of the bird nesting season and all high intensity construction activity (e.g. rock breaking) will be carried out, outside the wintering season for SPA feature species.
- 11.8.5. It is considered that the residual ecological impacts are reduced to insignificant and acceptable levels. Due to the low ecological value of the site proposed landscaping and internal/boundary planting are expected to result in minor beneficial effects to the local habitat resource.
- 11.8.6. Cumulative effects are only likely to occur during construction via the water environment. Having regard to the extant planning applications in the vicinity, no potential cumulative effects have been identified.
- 11.8.7. I have considered all of the written submissions made in relation to Biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Biodiversity.

Land, Soil, Water, Air and Climate;

11.9. Land, Soils & Geology

- 11.9.1. Lands, Soils & Geology are addressed in Chapter 9 of the EIAR. The topographic levels across the site range from c.23m AOD in the south-west to c.6.08m AOD in the north-east. 5 boreholes and 20 trial pits were dug across the site. Soil maps are provided. The site has historically been used for agricultural purposes as confirmed by the ground investigations, as well as historical map review. No areas of concern were identified with respect to potential contamination. Soils are not considered to pose a risk to human health. Geology maps are also provided.
- 11.9.2. With respect to potential impact, it is noted that 17.9Ha of good quality agricultural land will be taken out of agricultural production which is likely to have a moderate negative impact on the environment as it alters the character, although it is zoned appropriately. This will be a permanent impact. Soils and potentially bedrock will be excavated during construction which is a direct permanent impact but is not considered to be a significant adverse impact, as the removal will have a negligible influence on the overall landform morphology. There is no evidence of significant historic landslides. During the operational phase, it is expected that the development will have an imperceptible, permanent impact on soils and geology. No significant cumulative impacts are predicted.
- 11.9.3. Mitigation measures for the prevention of soil/bedrock contamination during construction are described as well as the production of a Waste Management Plan. It is also confirmed that a detailed CEMP will be in operation during the construction phase. No mitigation measures are warranted during the operational phase.
- 11.9.4. It is considered that implementation of the mitigation measures during the construction phase will result in any residual impact being slight negative and short term in duration. There are no residual impacts predicted during the operation phase.
- 11.9.5. I have considered all of the written submissions made in relation to Land, Soils & Geology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Land, Soils & Geology.

11.10. Water

- 11.10.1. Water is considered in the EIAR in Chapter 10. This chapter describes the surface water and groundwater regime. Separately a Flood Risk Assessment (FRA) has been carried out. A Stage 1 assessment was carried out and determined that a large portion of the site (98%) does not fall with Flood Zone A or B. There is an area adjacent to the R172, where the proposed new entrance is, that will be subject to tidal/coastal flooding during extreme events and is within Flood Zone A and B. A Stage 2 assessment has been carried out which included detailed hydraulic modelling for the two main storm water discharge locations (i.e. the northern drainage channel which drains into Dundalk Bay and the existing eastern channel which drains into the wetlands area immediately east of the site). A Justification Test has been carried out. The FRA concludes that the mitigation measures proposed (including raising the level of the R172 on either side of the site entrance) will result in a development deemed to be in compliance with the Flood Risk Guidelines.
- 11.10.2. In terms of surface water, there are no surface water features within the site and rainfall drains directly to the ground. There is no direct hydrological link between the site and Dundalk Bay SAC/SPA. There is an indirect link likely between the site via shallow groundwater flow in an easterly direction and subsequent diffuse groundwater discharge to the existing northern and eastern drainage channels and wetlands area which ultimately drain into the Bay.
- 11.10.3. The groundwater and investigations are described. It is noted that there are 25 registered wells within 2km of the site. There are no reported drinking water supplies or Public Supply Source Protection Areas within a 2km radius.
- 11.10.4. In terms of potential impact, no impacts are expected to regional or local groundwater resources or water level impacts to Groundwater Dependent Terrestrial Ecology (GWTDE) in the vicinity and accordingly potential impacts do not warrant further consideration.
- 11.10.5. A preliminary Hydrogeological Conceptual Site Model (CSM) has been derived for the site. The storm water drainage system, SuDs measures, watermain design and foul drainage proposals are described. Potential impacts during construction and operation phases are detailed including fuel leaks, temporary dewatering etc. It is noted that the pollution risk could potentially impact on the

Designated sites, but the storm water drainage system has been designed to treat the predicted volumes.

11.10.6. Mitigation measures are described including the measures detailed in Chapter 9 of the EIAR. During localised construction work around the northern and eastern drainage channels a temporary storm water management system is recommended. Measures are listed that will form part of the CEMP. Potential impacts during operation are considered lower, however given the sensitivity of the receiving environment to groundwater and surface water impacts, measures are listed including the appointment of a site maintenance manager during the operational phase.

11.10.7. It is considered that the development will have an imperceptible impact on existing surface and groundwater flows and to existing water levels within the downgradient wetlands and therefore an imperceptible impact to existing flows currently discharging to Dundalk Bay SAC/SPA. In addition, the development will not result in flooding in the immediate area or wider area. No significant adverse impacts are anticipated to the receiving environment or on human health.

11.10.8. I have considered all of the written submissions made in relation to Water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Water.

11.11. Air Quality and Climate

11.11.1. Chapter 6 refers to Air Quality & Climate. The methodology and receiving environment are addressed therein.

11.11.2. The primary sources of potential impacts are assessed including air quality, climate and human health during construction. During the operational phase, it is noted that a Traffic and Transportation Generation Report has been prepared. Sensitive receptors are considered to be residential receptors and sensitive ecosystem such as the SAC and SPA.

- 11.11.3. Regional Air Quality and regional Climate impacts as well as ecosystems are considered. Human health is also considered, and the impact is deemed not to be significant. Cumulative impact is not considered to cause significant impacts.
- 11.11.4. Mitigation measures during construction are detailed as described in the outline CEMP, particularly in relation to dust, to ensure dust will not be an issue.
- 11.11.5. When dust minimisation measures are implemented, residual fugitive emissions of dust would be curtailed and will be insignificant during the construction phase. During the operational phase the impact of the development is not significant. The results of the air dispersion modelling study indicate that the residual impacts are predicted to be imperceptible for most parameters. Recommendations are made to conduct dust monitoring during construction. There is no monitoring requirement during the operational phase.
- 11.11.6. I have considered all of the written submissions made in relation to Air and Climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Air and Climate.

11.12. Noise & Vibration

- 11.12.1. Chapter 7 assesses noise and vibration. Assessment criteria takes account of potential inward and outward noise and vibration impact. Construction noise levels at distances of 20m and 50m have been assessed. Construction vibration is also detailed. During operation the Louth Noise Action Plan 2018 – 2023 is discussed as well as BS8233. It is not expected that there will be vibration impact during the operational phase.
- 11.12.2. A baseline noise survey was undertaken within the bounds of the site at four locations. The boundary locations were considered representative of the closest existing noise sensitive properties. The noise environment measured is low and typical of semi-rural location.
- 11.12.3. Potential noise impacts during construction are described. For distances of greater than 50m from the receptors, construction activities can operate within the

thresholds. During the operational phase the main sources of noise inward and outward will be traffic.

- 11.12.4. Mitigation measures are detailed for construction and it is considered that none are needed during operation. There are no known cumulative impacts as a result of the development.
- 11.12.5. Residual impacts during construction and operation are addressed with noise and vibration levels being met comfortably. There is no anticipated risk of long-term exposure to noise on human health.
- 11.12.6. I have considered all of the written submissions made in relation to Noise and Vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Noise and Vibration.

Material Assets, Cultural Heritage and the Landscape;

11.13. Material Assets

- 11.13.1. Material Assets are addressed in Chapter 12 of the EIAR. In this chapter, Built Services, and Waste Management are considered. It is noted that Roads and Transport are addressed separately in Chapter 8.
- 11.13.2. Sources used to collate information are noted as being ESB, Eir and available information from Louth County Council and Irish Water. There is no storm water drainage, foul water drainage or water supply on the site. Medium voltage lines run across the site.
- 11.13.3. Surface water is detailed as per the Water chapter. Foul drainage will be provided and will discharge via gravity to the proposed wastewater pumping station on the eastern boundary of the site where it will be pumped via a rising main through the site and extend along Bothar Maol prior to discharging to the foul mains network and ultimately the Dundalk Wastewater Treatment Plant. Irish Water have confirmed the system has capacity. Irish Water have also confirmed that there is capacity to meet the water needs of the development.

- 11.13.4. Potential impacts are described and include damage to the existing overhead line, or contamination of Irish Water networks during construction. No significant impacts are predicted to occur during the operational phase.
- 11.13.5. For clarity I am of the opinion that the low voltage overhead lines that run through the site should be relocated underground for visual amenity purposes. The documentation indicates that the lines will either need to be a switchout or a diversion. As noted above in Section 10.8 of this Report, the Council have a Policy **EnCo4** which requires the undergrounding of electrical cables within new residential developments. I am of the opinion that should the Board grant permission removal/diversion or undergrounding of the overhead lines through the centre of the site should be a condition of permission.
- 11.13.6. A CEMP plan will include details as submitted in the outline CEMP submitted with the application. As no adverse impacts are predicted during operation, no mitigation measures are proposed.
- 11.13.7. With respect to Waste Management, the findings of the outline C&D Waste Management Plan have been incorporated into the assessment. Waste generated during the operational phase will be managed in accordance with relevant legislation.
- 11.13.8. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Material Assets.

11.14. **Traffic**

- 11.14.1. Traffic and Transportation is addressed in Chapter 8 of the EIAR. The receiving environment in terms of its location with respect to roads, permeability and connectivity is described. The catchment areas of the site are included in the Appendix to this chapter, indicating that many significant land-uses such as IDA lands, Dundalk Retail Park and Blackrock village are within a 24-minute walking distance (2km). All of Blackrock and a significant portion of Dundalk including the Town Centre, and DKIT are within a 24-minute cycling time. The bus services locally and commuter routes are described. As previously noted the R172 road is the main

link between Blackrock Village and Dundalk. The proposals for improving and upgrading of local roads are listed.

- 11.14.2. With respect to the proposed development it is stated that it is being developed in accordance with DMURS.
- 11.14.3. Potential impacts are described both during construction and operation. It is stated that all construction activities will be managed in accordance with a Construction Traffic Management Plan (CTMP). It is expected that construction employees will travel to site outside of main AM and PM peak periods and deliveries are expected to be steady throughout the day. Deliveries will be from the north.
- 11.14.4. During the operational phase, TRICS was used to determine trip generation. A mode share of 52% has been applied to the total people trip rates to derive localised trip rates. The trip distribution of vehicles originating and terminating at the site has been based on traffic arriving and departing the local road as defined by the traffic surveys undertaken in January 2018.
- 11.14.5. The data indicates that two junctions exceed the TII threshold of 10% increase on traffic flow on the adjoining roads and are subject to further detailed junction assessment. It is also considered prudent to analyse the impact of the proposed junction further as well as the N52/Hoey's Lane roundabout.
- 11.14.6. The Do-Nothing and the Do-Something scenarios of the operational performance of the key local road junctions are assessed. In light of the proposed development, it is predicted that there will be a slight to moderate negative effect at key junctions but would remain consistent with baseline trends. A sensitivity analysis has been carried out with respect to the adjoining zoned lands and their potential development numbers and type. There will be queuing with the adjoining development during the final design year of 2035, however it is considered that the priority-controlled development access junction is designed and constructed to easily allow for future potential upgrading to a signal-controlled junction.
- 11.14.7. Cumulative impacts were assessed by reviewing the Council's e-planning website. It is considered that the applications will have no impact on the immediate junctions and the R172 due to their location.

11.14.8. Mitigation measures during construction are considered will be addressed in a CTMP.

11.14.9. It is considered that there will be a slight negative residual impact in the short term due to construction traffic which will be mitigated by the introduction of the CTMP. During operation there will be a long term, slight to moderate negative impact due to increased traffic flows. The EIAR states that this will be mitigated by travel planning measures. I consider it appropriate to include a condition relating to a Mobility Management Plan should the Board be of a mind to grant permission.

11.15. I have considered all of the written submissions made in relation to Traffic and Transportation. As detailed in Section 10.7 above, there have been a number of submissions based on traffic increases including questioning the TRICS rate used. I am of the opinion that there will undoubtedly be an increase in traffic as a result of this proposal. There will be a slight to moderate impact on the operation of junctions in the vicinity. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate this impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development including the location of the site, the ease of access to a significant number of employers by means other than private car, DKIT, Blackrock village (and public transport options) as well as future road improvements in the area.

11.16. Cultural Heritage

11.16.1. Chapter 11 refers to Cultural Heritage. Field Inspections, Geophysical surveys, and Test excavations were carried out as part of the assessment. The receiving environment is described including that Bothar Maol is reputed to be an ancient roadway referenced in the *Táin Bó Cuailgne*. There are no recorded archaeological sites within the site and all sites within 1km are listed. There are no Protected Structures in the site or adjacent. No new features of cultural heritage interest were found. The scale of the site and its proximity to recorded archaeological monuments indicate that there is moderate potential for the survival of buried archaeological remains at the site.

11.16.2. Potential impacts are during construction stage and none are anticipated during the operational stage. Mitigation measures include requiring the site to be

monitored during development works by a suitably qualified archaeologist. It is expected that there will be no residual impacts with this mitigation measure.

11.16.3. I have considered all of the written submissions made in relation to Cultural Heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the Cultural Heritage.

11.17. Landscape & Visual Impact

11.17.1. Chapter 5 refers to Landscape and Visual. In terms of the receiving environment, it is noted that the closest designation is the Cooley Peninsula which is located c.4km away. It is also noted that the site is within the Landscape Character Area classified as 'Dundalk Bay Coast'.

11.17.2. It is noted that the visibility assessment has concentrated on publicly accessible areas within the 0-2km range. It is stated that the site at this range is visually well concealed from the surrounding area and with the exception of the proposed access road, the development would offer very low perception from the R172.

11.17.3. A summary of Landscape Impacts is provided in table 5.6. It is considered that the proposal would generate a 'Moderate' landscape impact post construction. Appendix D includes 8 images as well as the photomontage images provided at A3 scale.

11.17.4. Mitigation measures include the layout and design of the development around the large open space and the vertical landscape elements therein. The phasing allows for mitigation through the establishment of advanced boundary and structure planting. The houses along Bothar Maol, that have open uninterrupted views into the site, will have advanced landscape treatment to create visual screening and preserve privacy. Lighting mitigation measures will be implemented during construction phase.

11.17.5. Interactions and cumulative impacts are addressed. No cumulative impacts are considered to combine to generate significant cumulative impacts.

- 11.17.6. In terms of residual impact, it is expected that residual glimpsed and partial views of the development would continue to be achieved from a number of locations. However due to distance, visual impacts from Cooley Peninsula would be minor to negligible. The development is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting.
- 11.17.7. As discussed in section 10.4 above, there were concerns expressed about the location of the viewing points. I am satisfied that they are a fair representation of the proposal.
- 11.17.8. I have considered all of the written submissions made in relation to Landscape & Visual Impact. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the Landscape or on visual impact.

11.18. Interrelations between the factors

- 11.18.1. I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.
- 11.18.2. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions e.g. the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.
- 11.18.3. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

11.19. Reasoned Conclusion on Significant Effects

11.19.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Traffic:** There will be a slight to moderate impact on the operation of junctions of the development which will not be avoided, mitigated, or otherwise addressed by means of condition.
- **Flooding:** A proportion of the site is located within flood zone A and B and is susceptible to tidal/coastal flooding. This will be mitigated by the measures which form part of the proposed scheme, including the raising of either side of the R172, as well as designing the finished floor level of the proposed buildings above the expected flood levels.
- **Visual Impact:** The development will present as a new development in the landscape. There will also be changed views for some viewers, for example from certain locations in the golf course. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting. The potential impact will be mitigated by the design and phased boundary planting and screening.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the traffic impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

12.0 Appropriate Assessment

12.1. Introduction

12.1.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

12.1.2. **Compliance with Articles 6(3) of the EU Habitats Directive:** The Habitats

Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

12.1.3. The application was accompanied by a Natura Impact Statement (NIS) which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

12.1.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

12.2. Stage One – Screening for Appropriate Assessment

- 12.2.1. I consider that the proposed development as described in Section 3 of this Report is not directly connected with or necessary to the management of any European site.
- 12.2.2. The Stage 1 Screening Report is set out in Section 3 of the separately bound document which accompanies the planning application. The assessment of ecological impacts on European sites is conducted using the source-receptor-pathway model. It is noted that the site is on the western shore of Dundalk Bay which is an SPA and an SAC, as well as being designated as a Ramsar site and a pNHA.
- 12.2.3. The site does not contain any watercourse, stream channels, drainage ditches or other surface water features other than a small area of degraded wetland fringe habitat in the eastern periphery close to the R172. Surface water generally drains directly to ground with any overland flow percolating to the ground in more permeable areas, for example in the low-lying eastern portion of the site, and may flow in discrete permeable zones immediately beneath the subsurface prior to discharge in Dundalk Bay. There is no evidence of a direct hydrological link between the site and the Bay however, indirect links via shallow groundwater flow and diffuse discharge via groundwater and/or surface water discharge to Dundalk Bay are likely. It is considered that the site drains naturally via groundwater and surface flow to Dundalk Bay.
- 12.2.4. It is proposed to discharge surface water into an existing drainage channel which discharges to the north-east of the R172. Therefore, pathways can be established for potential direct and indirect adverse impacts on the Dundalk Bay SPA and the SAC. No other Natura 2000 sites are implicated.

Dundalk Bay SAC	Site Code 000455
Dundalk Bay SPA	Site Code 004026

- 12.2.5. Details of the Designated Sites are set out in Table 2.1 and 2.2 of the NIS.
- 12.2.6. Significant effects on the Natura 2000 sites cannot be excluded at the Screening Stage and this is determined by way of a Screening Matrix presented in Table 3.1 and 3.2 of the NIS. The main areas of concern are pollution of the SAC/SPA, degradation of the habitats and ex-situ impacts on SPA features and assemblage species.

12.2.7. Based on my examination of the report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the European sites namely the Dundalk Bay SAC (Site Code 000455) and Dundalk Bay SPA (Site Code 004026).

12.3. Stage Two – Appropriate Assessment

12.3.1. **Relevant European sites:** The Qualifying Interests for these sites are set out below.

Site Name	Qualifying Interests
1. Dundalk Bay SAC (Site Code 000455)	Estuaries, Tidal Mudflats and Sandflats, Perennial Vegetation of Stony Banks, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows
2. Dundalk Bay SPA (Site Code 004026)	Red-throated Loon, Common Loon, Great Crested Grebe, Great Cormorant, Greylag Goose, Light-bellied Brent Goose, Shelduck, Eurasian Wigeon, Teal, Mallard, Pintail, Common Goldeneye, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Ruff, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Common Greenshank, Ruddy Turnstone, Black-headed Gull, Greenland White-Fronted goose, Wetlands & Waterbirds

12.3.2. A brief description of the site and the conservation objectives follow.

Dundalk Bay SPA (Site Code 004026)

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

The extensive sand flats and mud flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The outer part of the bay provides excellent shallow-water habitat for divers, grebes and sea duck. In summer, it is thought to be a major

feeding area for auks from the Dublin breeding colonies. The bay is used at night for roosting by wintering flocks of Greylag Goose, Greenland White-fronted Goose and Whooper Swan from Stabannan/Braganstown (inland of Castlebellingham) and other inland sites.

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

Dundalk Bay SAC (Site Code 000455)

12.3.4. Dundalk Bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry.

Saltmarsh vegetation occurs in four main areas: at Lurgangreen, Marsh South, Dundalk Harbour and Bellurgan. Two types are represented – Atlantic and Mediterranean salt meadows. Shingle beaches are particularly well represented in Dundalk Bay. The extensive sandflats and mudflats (over 4,000 ha occur) are comprised of ecological communities such as muddy fine sand communities and fine sand community complexes.

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

Conservation Objectives

The Conservation Objectives for Dundalk Bay SPA and SAC were published on 19th July 2011 and are set out in Table 4.1 of the NIS. In summary it is the objective to *maintain the favourable conservation condition* of Estuaries, Mudflats and Sandflats, Perennial vegetation of stony banks, Salicornia, Atlantic salt meadows, and Mediterranean salt meadows of the SAC, as well as all the birds listed for the SPA.

12.4. Potential Adverse Effects

12.4.1. Section 4.9 of the NIS lists the main areas of concern, which I concur with, and include pollution of the SAC/SPA, degradation of SAC/SPA habitats and ex-situ impacts on SPA features and assemblage species:

- **Pollution:** earthworks and construction activities will mobilise silts and sediments – risk of contamination through surface water
- **Pollution:** construction activities will generate waste streams - risk of contamination through surface water
- **Pollution:** occupation of the site will generate surface and stormwater runoff which is to be disposed of to Dundalk Bay via drainage infrastructure – risk of contamination
- **Pollution:** occupation of the site will generate foul sewage for disposal
- **Degradation of habitat:** occupation of site will generate surface and stormwater runoff which is to be disposed of to Dundalk Bay via drainage infrastructure – risk of degradation through erosion etc.
- **Ex-situ impacts:** noise and vibration from piling, rock-breaking, blasting and other intensive construction activities cause disturbance – unlikely piling will be required
- **Ex-situ impacts:** discrete elements of site development works which must take place close to the shore

12.5. Mitigation Measures

12.5.1. Having identified the potential adverse effects of the project, the NIS assesses the mitigation measures envisioned to avoid or mitigate the significant adverse effects.

The three main areas of mitigation of impacts include:

- Pollution Control in the Construction Phase
- Pollution Control in the Operational Phase
- Prevention of Disturbance to SPA Species in the Construction Phase.

12.5.2. These broad approaches are implemented through:

- Construction and Environmental Management Plan (CEMP)
- Construction Programme

- Sustainable Urban Drainage System (SuDS)
- Silt Traps & Hydrocarbon Interceptors
- Foul Disposal
- Site-Specific Environmental Management Plan (EMP)

12.5.3. Each of the above are detailed in full in Section 4.13 to 4.39 of the NIS.

12.5.4. As noted above the applicant proposes a suite of mitigation measures aimed at reducing potential effects on the water quality and disturbance to avifauna. Given these mitigation measures, proposed both during construction and operational phases, there is no potential for adverse impacts to occur on either species or habitats associated with the on the integrity of the European Sites.

12.6. Cumulative and In-Combination Effects

12.6.1. Cumulative effects are either interactive effects between aspects of the project/development or the combination of impacts with those arising from other projects/developments which act on the same ecological receptors.

12.6.2. Section 4.40 - 4.50 of the NIS describes cumulative effects related to the project and with other projects and developments. It is considered that cumulative effects are only likely to occur during the construction phase via the water environment however none are identified or anticipated.

12.6.3. I am satisfied that there is no additive effect for significant cumulative or in-combination impacts when considered in-conjunction with other plans and projects and/or in the context of the background ecological and hydrological condition of Dundalk Bay.

12.7. Residual effects/Further analysis:

12.8. No significant residual effects are identified following implementation of the recommended mitigation measures.

12.9. Appropriate Assessment Conclusions

12.9.1. Having regard to the works proposed during construction and operational phases, and subject to the implementation of best practice construction methodologies and

the proposed mitigation measures, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Dundalk Bay SAC (Site Code 000455) or the Dundalk Bay SPA (Site Code 000455) or any other European site, in view of the site's Conservation Objectives.

13.0 Recommendation

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

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

and may attach to a permission under paragraph a), b) or c) such conditions as it considers appropriate.

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

14.0 Reasons and Considerations

Having regard to the:

- a) The site's location on lands with a zoning objective for residential development and open space and the policies and objectives of the Dundalk & Environs Development Plan 2009 - 2015;
- b) The policies and objectives in the Louth County Council Development Plan 2015 to 2021;
- c) To the National Planning Framework which identifies the importance of Dundalk along the Dublin-Belfast corridor;
- d) Nature, scale and design of the proposed development and the availability in the area of a wide range of social infrastructure;
- e) Pattern of existing and permitted development in the wider area;
- f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

- g) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- j) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- k) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan; and
- l) Submissions and observations received.

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

15.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
4.	<p>(a) The development shall be carried out on a phased basis, in</p>

	<p>accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.</p> <p>(b) Not more than 75 no. residential units, excluding 1-bed units, shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.</p> <p>Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.</p>
5.	<p>Details of all fencing and/or walling along the perimeter of the site and along common boundaries, including proposed heights, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential and visual amenities</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Each dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning.</p>
8.	<p>No apartment units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the dwelling units and shall be sold off with the units and not sold separately or let independently from the residential development.</p> <p>Reason: In the interest of orderly development.</p>
9.	<p>Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all</p>

	<p>signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
13.	<p>The developer shall demonstrate compliance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Servicing Single Houses (2009) with respect to minimum distances of existing separation tank and percolation areas of dwellings along Bothar Maol from proposed development.</p> <p>Reason: In the interests of public health</p>
14.	<p>The developer shall facilitate the preservation, recording and protection of</p>

	<p>archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <ul style="list-style-type: none"> (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. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
15.	<p>The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> (a) The roads and traffic arrangements serving the site (including sightlines, right turning lane, ghost islands, footpath connections and 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 roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works. (c) Cycle tracks within the development shall be in accordance with the

	<p>guidance provided in the National Cycle Manual.</p> <p>(d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.</p> <p>(e) A Mobility Management Plan shall be prepared and submitted to the Planning Authority for approval prior to the commencement of development.</p> <p>(f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
16.	<p>Prior to first occupation of any of the units, the proposed pedestrian and cyclist links shall be satisfactorily completed at the applicant's expense and available for public use.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
17.	<p>All parking areas serving the apartments shall be provided with active electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation</p>
18.	<p>Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the</p>

	<p>satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.</p>
19.	<p>Construction and demolition waste shall be managed in accordance with a Final Construction and Demolition Waste 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.</p> <p>Reason: In the interest of sustainable waste management.</p>
20.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the Planning Authority, 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 for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
21.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of</p>

	<p>construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
22.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
23.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
24.	<p>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.</p> <p>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.</p>

25.	<p>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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Ciara Kellett
Senior Planning Inspector

23rd September 2019