



An  
Bord  
Pleanála

## Inspector's Report ABP-305231-19

---

<b>Development</b>	Construction of 26 no. residential units.
<b>Location</b>	Main Street, Dunleer, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	19212
<b>Applicant(s)</b>	Bellscape Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Gerard Connor
<b>Observer(s)</b>	An Taisce John Sweeney Gerry Crilly Sean Ó Laoire Niall Gallen
<b>Date of Site Inspection</b>	6 <sup>th</sup> of December 2019
<b>Inspector</b>	Angela Brereton

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
3.3. Other Technical Reports .....	10
3.4. Prescribed Bodies .....	10
3.5. Third Party Observations .....	12
4.0 Planning History.....	12
5.0 Policy Context.....	13
5.1. National Policy .....	13
5.2. Louth County Development Plan 2015 to 2021 .....	14
5.3. Natural Heritage Designations .....	17
5.4. EIA Screening .....	17
6.0 The Appeal .....	18
6.1. Grounds of Appeal .....	18
6.2. Planning Authority Response .....	22
6.3. Observations .....	23
6.4. Applicant Response .....	25
7.0 Assessment .....	28
7.1. Principle of Development and Planning Policy .....	28
7.2. Difference between current and previous proposals .....	30
7.3. Density, Design and Layout .....	31

7.4. Energy Efficiency .....	33
7.5. Archaeology .....	34
7.6. Landscaping and Riverside Walkway.....	36
7.7. White River Mill .....	38
7.8. Ecology .....	39
7.9. Access and Traffic.....	41
7.12. Prematurity .....	42
7.13. Drainage and Flood Risk .....	43
7.14. Development Contributions.....	45
7.15. Screening for Appropriate Assessment.....	46
8.0 Recommendation.....	46
9.0 Reasons and Considerations.....	47
10.0 Conditions .....	47

## 1.0 Site Location and Description

- 1.1. Dunleer village lies c 1km to the east of the M1, mid-way between Junction 12 and Junction 13. It is c.14km north of Drogheda. The village core lies north of the site and includes a mix of retail and service outlets along Main Street. Mixed uses in the town of Dunleer include commercial/retail, industrial, residential, educational (there are primary and post primary schools). The former railway station is closed.
- 1.2. The application site (c.3.08ha) is located to the south of Dunleer's Main Street, on the eastern side of the Upper Main Street/Drogheda Road (R132). It is within the development boundary of the Dunleer Local Area Plan 2017-2023 and is bounded by the R132 road to the west, the White River to the east; commercial development to the north and agricultural lands to the south. To the south is a laneway which leads to a riverside mill (White River Mill complex) and to the north is a Recorded Monument, a motte (RMP No. LH019-06408). It lies partially within the zone of archaeological potential in Dunleer Town.
- 1.3. The application site is at its most elevated in the area fronting onto the R132 and then slopes down steeply to the river. Trees and shrubs lie on the banks of the river. The site is presently greenfield and is improved grassland. There is a hedgerow of native species and a narrow grass verge along the site frontage to the R132. The southern boundary of the site is formed by non-native treeline beyond which the narrow unsurfaced laneway is located.
- 1.4. To the west i.e. on the opposite side of the R132 are detached single and two storey dwellings setback from the public road by a broadly similar building line. The Garda Station is opposite the field gated entrance to the site. Two residential developments lie to the rear of these properties, including the Woodland and Riverdale developments.

## 2.0 Proposed Development

- 2.1. This is to consist of the following:
  - The construction of 26no. dwellings comprising 7no. 2 storey detached houses, 8no. 2 storey semi-detached and 3no. 2 storey terraced house in addition to 8no. apartments.

- The apartments are to be accommodated in 2no. 2 storey buildings each containing 4no. apartments, with first floor terraces located to the rear facing eastwards towards the White River.
- The development also provides for a new vehicular entrance onto Main Street/R132, a riverside amenity path, a playground, a public footpath along the site frontage on the east side of Main Street/R132, all associated site development works including alterations to ground levels, internal roads and footpaths, electricity substation(s), car parking, open space, public lighting, landscaping and boundary treatments.

2.2. The application form provides that the area of the site is 3.08ha and the g.f.a of the proposed work is 2943sq.m.

2.3. Stephen Ward Town Planning & Development Consultants Ltd have submitted the following in support of the application:

- Planning Statement by Stephen Ward Planning Consultants
- Design Statement by DR Consultants
- Scheme Drawings (Architectural/Engineering/Landscaping) by DR Consultants
- Site Service Report by DR Consultants
- AA Screening Report by R Goodwillie
- Archaeological Assessment by ACS
- Archaeological Geophysical Survey by ACS
- Landscape Schedule by Elite Landscape Services
- Report on Invasive Species by Ecoweed Control
- Proposals relative to compliance with Part V.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 25<sup>th</sup> of July 2019, Louth County Council granted permission for the proposed development subject to 19no. conditions. These include regard to landscaping, archaeology, nature conservation, infrastructure (roads and drainage), construction, public lighting, Part V, construction management, development contributions, management and maintenance.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy, to the interdepartmental reports and to the submissions made. Their Assessment includes the following:

- They note that the Urban Design manual submitted has regard to the design and layout and specifically sets out to address the Board's previous reason for refusal but does not deal with the 12no. criteria.
- They provide that the separation distances are such that there will be no impact on residential amenities.
- They consider that the design has been amended to reflect a more urban form with cul-de-sac streets proposed perpendicular with public road to front.
- They have some concerns about overlooking relative to the apartments.
- They consider that the requirements of the Department relative to archaeology should be addressed by way of F.I.
- The residential element to the west is sufficiently detached from the riparian corridor and with good construction practices there should be no negative impacts arising from the same.
- A riverside park would enhance the area. The area should be assessed relative to ecology and biodiversity. (Section 6.3.3 of the LAP refers).

- They note the Report submitted on Japanese Knotweed.
- The entrance to the proposed estate is proposed for the southern part of the site, where it would cause least damage to the hedge.
- They note Water Services and Infrastructure have no objections subject to conditions to the drainage proposals.
- They note the changes between the original scheme 18/360 v New Scheme (19/212).

#### Further Information request

This includes the following:

- Cross sections through the residential units to assess potential for overlooking from proposed apartment terraces onto adjoining private amenity spaces.
- The Urban Design Statement to be amended to address the 12 criteria for urban design. Also, the refusal reason given on similar development lodged under Reg.Ref. 18/360 should be addressed.
- They ask for details relative to costs and management of the large recreational area of the site.
- The development should be assessed having regard to possible reductions and exemptions as set out in the Development Contributions.
- They note the Departments recommendations and request that a detailed Archaeological Impact Statement be submitted.
- They ask for details relative to impact on Nature Conservation and that a Biodiversity Plan be submitted.
- They have regard to Landscaping and Ecology and provide that that a competent study should be done for birds and bats along the riverside.
- They request details of a roadside footpath to maintain the roadside hedge.
- Revised Public Notices.

Further Information response: Stephen Ward Town Planning & Development Consultants Ltd has submitted a detailed F.I response on behalf of the Applicant which includes the following:

- They provide Cross Sections drawings and details of balcony screening in the apartments to eliminate potential for overlooking.
- They submit a Report to demonstrate how the proposed development complies with each of the '12 criteria' as set out in the Urban Design Manual.
- They note the specific objective in the Dunleer LAP to provide a riverside amenity park in this location.
- The proposed design and layout of the park are illustrated on the landscape plan by Gannon & Associates Drawing.
- They have regard to Exemptions and Reductions in the Council's Development Contributions Scheme and provide details of their reasoning as to why such reductions should be applied relative to these Phase 1 lands.
- They note the Department and Council's concerns and include an updated Archaeological Assessment. This includes an outline Conservation Management Plan. They have no objections to conditions relative to the recommendations made.
- The proposals put forward by the applicant relative to archaeological matters including mitigation measures are acceptable to the P.A. and the Department.
- They note changes to the exercise area to prevent impact on wildlife. Also, that Otter and Bat Studies by professional experts are enclosed. They provide details and include proposed mitigation measures and note that the applicant is willing to accept a condition regarding these measures.
- They provide details of landscaping and retention of the trees/hedgerows in the riparian corridor and western and southern boundary areas. They include a Tree Protection Sheet. A revised Landscape Plan and Bio-Diversity Plan were submitted.
- Landscaping along the site frontage with the R132 includes that additional tree/hedge planting is also proposed along either side of the proposed entrance to the development.
- Revised Public Notices are included.



### Planner's response to Further Information

- They have regard to the cross sections submitted and provide that the proposed screens will prevent potential overlooking.
- They note the details of the Urban Design Statement submitted relative to the 12 criteria in the 'Urban Design Manual'.
- They have regard to the Archaeological Assessment and to the Department's response. They note the Department's comments on Archaeology and Nature Conservation issues and recommend conditions.
- They note the Bat and Otter Surveys submitted. Also, to the Department's and the County's Heritage Officer's response relative to Nature Conservation.
- They consider that the principle of the proposed development is acceptable on these Phase 1 residentially zoned lands.
- They note that the residential scheme addresses the public park area and does not encroach onto the setting of the archaeological monument on site.
- They consider a standard condition relative to social and affordable housing will be appropriate.
- The design has generally been laid out to ensure future access and linkages to the Riverside Park and permeability to same for the benefit of the wider community. The proposal will not have a negative impact on any existing residential properties.
- They also have regard to Landscaping of Site/Public Park amenities. They recommend conditions relative to landscaping and management and maintenance of the public park area.
- They do not consider that the proposal, either individually or cumulatively will have a significant impact on the integrity of the Natura 2000 Network.
- A Report has been received from Irish Water stating no objection (class 1) and the Council recommend standard advice should be attached to any decision to grant. The Council's Infrastructure Section has recommended conditions.

- In view of the scale and nature of the proposed development an EIA is not required in this case.
- They have regard to Development Contributions and Bond and note that a reduced rate of the former is applicable in this instance.
- They recommend that permission be granted subject to conditions.

### 3.3. Other Technical Reports

#### Infrastructure

The Council's Infrastructure Section have no objections provided the works are carried out in accordance with the documents received on the 22<sup>nd</sup> of March 2019 and subject to recommended conditions.

#### Heritage Officer

They note the bio-diversity of the site and ecological value including the adjoining riparian environment. They recommend surveying for bats and otter. They also refer to archaeology and note the proximity of the motte.

In response to the F.I they consider the Bat and Otter Surveys are satisfactory but that there is a need for on-going maintenance relative to the Bio-Diversity Plan. They recommend that all mitigation measures proposed in the archaeological, otter and bat reports should be included as conditions in any grant of PP and regular inspections carried out to ensure compliance with these.

### 3.4. Prescribed Bodies

#### An Taisce

They consider that the proposed layout and design of the subject development would be domineering and visually intrusive, particularly when viewed on approach from the south on the R132. On approach from the south, the rear of units no. 20, 21 and 22 would be visually prominent and would be out of character and detract from the existing landscape setting on approach to Dunleer from the south. The proposal would adversely affect the setting and curtilage of the medieval Motte archaeological

feature to the north and the approach to the historic Dunleer Mill complex to the south east.

The proposal would undermine policy NB 5 of the Dunleer LAP.

They have concerns about the long-term viability of the proposed open space.

Also, about the impact on Structures and Features of Cultural Heritage Significance such as Dunleer Motte to the north and White River Mill.

#### Inland Fisheries Ireland

They note the value of the adjacent White River for fisheries. They have no objection to the proposed development provided the Dunleer wastewater treatment works has sufficient capacity, surface water management proposals are designed in accordance with SuDS, suitable measures are put in place to prevent discharge to the adjacent river during construction and they are consulted in relation to the detailed design of the proposed river walkway.

#### Department of Culture, Heritage and the Gaeltacht

They recommend that an Archaeological Impact Assessment be prepared relative to the proposed development. They also have regard to Nature Conservation and recommend that otter and bat surveys be carried out. Regard is also had to landscaping. They welcome the inclusion of the Invasive Weed Management plan in the proposal.

Subsequent to the F.I request they had regard to the updated Archaeological Assessment submitted and recommend planning conditions relative to the implementation of the mitigation measures proposed. In respect of Nature Conservation, they welcome the inclusion of the Bat and Otter Surveys and that all mitigation measures outlined be included if permission is to be granted.

#### Irish Water

They have no objections subject to conditions.

### 3.5. Third Party Observations

Submissions have been received from local residents, including Dunleer Tidy Towns and Co. Louth Archaeological and Historical Society. While these have been noted in the Planner's Report, in summary concerns include the following:

- Adverse impact of the proposed development on the archaeology of this heritage site, this includes regard to the significance of the Motte to the north as a National Monument.
- Concerns about sightlines at the proposed entrance, also traffic leading to congestion and traffic hazard on this fast, busy road (R132).
- Dunleer Tidy Towns have concerns about the lack of parking in the town and suggest a parking bay along the side of the Main Road on the East side the length of the estate.
- The suggestion that the retention of a small area of land will provide for the protection of habitats in the context of a housing development is inaccurate. The proposal would have a detrimental impact on Wildlife Habitat.
- Proposed density is higher than other developments in the village.
- The application site is located at the entrance to Dunleer village and currently provides an open space to the east of the R132 as one enters from the south.
- Long term viability of the proposed open space is unclear and would undermine the achievement of Policy NB 4.
- Concerns about the possible impact of anti-social behaviour on the archaeology and ecology of the area.

### 4.0 Planning History

4.1. The following planning applications have been made in respect of the appeal site:

- PA ref. 05/1627 (PL15.218106) – Permission refused by the Board for 26 houses on the appeal site (out of character with the area, excessively close to road, visually obtrusive and substandard public and private open space).

- PA ref. 18/360 (ABP-302779-18) – Permission refused by the Board (14<sup>th</sup> of February 2019) for the construction of 26 two storey dwellings in a mix of detached, semi-detached and terraced form. The development also provided for a new vehicular entrance onto Main Street/R132, a riverside amenity path, a public footpath along the site frontage on the east side of Main Street/R132, all associated site development works including alterations to ground levels, internal road and footpaths, electricity substation(s), car parking, open space, public lighting, landscaping and boundary treatments.

The Board's reason for refusal was as follows:

*The proposed development by virtue of its design, layout and orientation which encroaches onto the setting of the archaeological monument on site (Motte) and turns its back on the amenity park, will provide a poor standard of development of these strategically located lands in direct conflict with the policies of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 4.2. Between 2005 and 2008 four other planning applications for residential development on the appeal site have been submitted to the planning authority and subsequently withdrawn.

## 5.0 Policy Context

### 5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2040
- Rebuilding Ireland-Action Plan for Housing and Homelessness
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018)

- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive - Appropriate Assessment

## 5.2. Louth County Development Plan 2015 to 2021

### *Settlement Strategy*

Dunleer is identified as a Moderate Sustainable Growth Town in the current County Development Plan. Policy SS1 seeks to maintain the settlement hierarchy within the County and encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

Chapter 2 refers to the Core Strategy and Settlement Strategy. Dunleer is a Level 2 Growth Town. Policy CS5 seeks: *To encourage and facilitate new employment opportunities with the Level 2 Settlements of Ardee and Dunleer.*

Section 2.16.6 includes: Policy SS 8 which seeks to *'To promote and develop the resources of Dunleer to create a self-sufficient, sustainable and vibrant community which will act as a local development and service centre for the border catchment area and to review the Dunleer Local Area Plan following the adoption of the Louth County Development Plan 2015-2021'.*

### *Residential and Community Facilities*

Chapter 4 is concerned with the provision of sustainable Residential and Community Facilities. Guidelines for residential development are set out in sections 4.3 and 4.12 of the Plan. These include, in section 4.9.3.2 a requirement for 15% of total site as public open space. The Plan also states that *'Where residential developments are in close proximity to public parks or other natural amenities or in the town centre, a relaxation of the above standards may be permitted. Where open space standards cannot be achieved, more intensive recreational facilities may be accepted by the Council in lieu'.*

Section 4.6 refers to Pedestrian and Cycle Infrastructure. This includes policy:

RES 15 which seeks: *To require that master plans and planning applications for residential developments identify where appropriate, pedestrian and cycle paths within the site and externally to adjoining residential areas, existing services and community facilities.*

#### *Energy and Communications*

Chapter 9 refers to Energy and Communications and includes Policies EnCo 18 and 19 supportive of the use of solar energy technologies and passive solar design proposals for the sustainable development of urban and rural housing.

Section 9.9.4 refers to Active Solar Design and Section 9.9.7 to Rain Water Harvesting.

#### *Water Services*

Chapter 10 refers to Water Services and includes Policy WS4: *To support the provision of high quality water and wastewater infrastructure for both existing and future developments within County Louth, consistent with the principles of sustainability, prioritising those centres where serious deficiencies are in evidence or where further sustainable development can be reasonably anticipated.*

### **Dunleer Local Area Plan 2017 to 2023**

#### *Land Use Zoning*

This identifies the site for residential development (Land Use Zoning Map 5.1). It is included in Phase 1 lands for low density development (Residential Phasing Map 5.3) and Section 2.4.3 of the LAP refer.

Land to the east of the site area zoned 'Open space, amenity and recreation', with the lands immediately adjoining White River (east and west) identified in Map 5.6 (Objectives) as a 'Park' and subject to an Amenity Objective. A 10m riparian buffer zone is also shown on both sides of the river.

#### *Settlement Strategy*

Section 2.4.2 provides: *Due to the limited potential yield from development of Brownfield and Infill Sites these lands are not included in the Core Strategy figures or the Phasing Strategy.*

Section 2.4.3 of the Dunleer LAP provides, relative to the subject site: *These lands, with a limited area of circa 0.9ha are identified for high quality, low density residential development within the town boundary and are considered the most suitable to achieve the objective of low density development given the requirement for serviced sites as an alternative option to building houses in the countryside. They should be developed in accordance with the requirements of Section 6.4.3 (Riverside Amenity Park).*

#### *Natural and Built Heritage*

Chapter 3 deals with natural and built heritage. Section 3.2 refers to the Natural Environment/Open Space. This includes policies NB 4 and NB 5 which seek to provide a riverside park along the River White and improve the visual quality of public areas, open spaces and approaches to the town.

#### *Infrastructure*

Section 4.6.1 refers to Road & Streets and includes reference to pedestrian and cycle paths to the railway station. Policies IN 16 and IN 17 refer. Policies IN 18 refers to public transport and IN 19 to improved railway services in the Co. Louth area.

In Map 5.6, White River Mill is identified as a Protected Structure. A zone of archaeological potential is indicated in Map 5.5 around Dunleer town, this extends across the northern part of the appeal site.

#### *Heritage, Recreation and Amenity*

Section 5.5 refers to Tourism and notes the heritage and prominence of Dunleer in 'Ireland's Ancient East'. Reference is also had to the tourist attraction of a walkway along the White River. Policy EDE 13 refers to tourist attractions and activities.

Section 6.3 of the Plan refers to Recreation and Amenity and this includes provision for a Riverside Amenity Park and Riverside Walkway. Section 6.3.3 of the Plan states: *It is an objective to develop this either as a stand-alone amenity project or in conjunction with the future provision of high quality, low housing on adjoining residential zoned lands. It is stated that the detailed design should include:*

- *High quality, safe pedestrian, cycle and cross country paths, including to Main St and Dublin Rd and links to adjoining lands;*



- *To incorporate the Motte as an archaeological feature, ensure its protection and provide for its enhanced setting;*
- *Adopt a comprehensive approach to the development of these strategically located lands*
- *A crossing point over the river for pedestrians and cyclists;*
- *Creation of a strong sense of place and identity;*
- *A Riparian zone of minimum 10m to be kept free from development (except for pathways) along the side of each bank of the White River;*
- *An assessment of flood risk;*
- *High quality low density, residential and ancillary development with maximum heights of two-storey height.*

Policy CFA 5 seeks: *To support and promote the development of open spaces, public parks and riverside walks as identified on Objectives Map 5.6 (Appendix 5) subject to the availability of resources.*

#### *Development Management*

Chapter 8 of the Plan sets out design principles and development management standards for residential development (see attachments).

### **5.3. Natural Heritage Designations**

The nearest Natura 2000 sites, c.7km to the north east of the site, are Dundalk Bay SAC and SPA (site codes 000455 and 004026 respectively). The White River ultimately discharges into this waterbody.

### **5.4. EIA Screening**

- 5.4.1. The proposed development constitutes an EIA project comprising works or interventions in the natural environment. It is also a type which falls within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), Infrastructure Projects (construction of dwelling units). However, having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real

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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Environmental Management Services, Environmental and Planning Consultants have submitted a Third Party Appeal on behalf of Gerard Connor, White River Mill Dunleer, Co. Louth. They have regard to the locational context, planning history and policy and their grounds of appeal include the following:

- The proposal would be in conflict with National, County and Local planning policies and would also be in conflict with national policy on Climate Action.
- It would increase car dependency in this commuter town and should be considered pre-mature until the rail service through Dunleer is re-opened.
- The proposal would conflict with the need to protect and enhance the heritage of County Louth and of the subject lands.

#### *Dunleer as a Medieval and Historic Town, or a Commuter Belt*

- Dunleer is a town with a very significant early Christian and medieval history and details are provided of this. This includes the various archaeological and historic sites and monuments in the vicinity. Regard is had to the need to protect the town's heritage and in particular the impact on the adjacent Motte.
- Despite its history Dunleer has never become one of the widely promoted 'Heritage Towns'. Instead the town has moved towards becoming a commuter belt car dependent dormitory town for Dublin, as may be derived from a brief examination of the 2011-2016 census.
- If the rail station in the town were to re-open numbers commuting by car would decrease. The proposed development should be considered premature pending the reopening of the rail station.

### *Dunleer Local Area Plan*

They provide a review of this and discussion relative to the historical background and local and community development under the following headings:

- Village Enhancement Work Programme, 1998-2002
- Urban Design Study, 1999
- Proposal for a Strategic Community Development Plan
- Murray O’Laoire – Consultation and Local Area Plan
- Five County Councillors’ Alternative Local Area Plan, 2002-2003
- Heritage Council Appraisal of Louth County Council’s Draft Local Area Plan for Dunleer
- Louth County Council’s Local Area Plan for Dunleer, 2003-2009
- This Local Area Plan was superseded in 2010, and this in turn has been replaced by the current LAP (2017-2023).
- They note points made by An Taisce in its critical review of the 2010 LAP, some of which they consider are relevant to this appeal and provide a list of these. This includes relative to zoning, flooding, lack of public transport, recreational facilities and designation of the White River Mill complex as a regional heritage and recreational resource for Dunleer.
- They include mapping and photographs of the town and the subject site, including relative to the aforementioned documents.

### *Planning History of the Appeal Site and Nearby Sites within Dunleer*

- The site has been subject to a number of previous applications for housing developments including refusals by the Board.
- There is a lack of a more definite plan for the future of Dunleer town centre, and its immediate surroundings.
- The LAP suffers from a lack of definite provisions for public transport and for cycleways, use of infill town centre sites, inconsistency with regard to phasing, zoning, environmental protection and the protection and safeguarding of the town’s archaeological and built heritage.

### *Policies and Objectives of the current Louth CDP, 2015 -2021*

- It is submitted that there is nothing in this Core or Settlement Strategy or associated policies to suggest any significant expansion of Dunleer, or a large increase in population. Rather the CDP envisions a more compact settlement.

### *Transportation*

- If permitted the proposal would conflict with planning policies relative to the provision of sustainable public transport.
- Reference is made to the Smarter Travel Programme.
- Re-opening the railway station at Dunleer is desirable from a planning, social and sustainable perspective.
- In accordance with the LAP they consider that pedestrian and cycle paths should be provided from the railway station through to Barn Road in order to increase capacity and afford access to facilitate the development of lands in front of the railway station.

### *Housing*

- Regard is had to relevant policies on design and housing, and there is concern about lack of pedestrian and cycle linkages to the town centre from the site. Also, that the proposal would be contrary to Louth CDP Policy RES 15 relative to the provision of cycleways and pedestrian linkages.

### *Energy Efficiency and Renewable Energy*

- Regard is had to planning policies supporting the use of solar energy technologies and passive design proposals for the development of housing.
- There is a need for compliance with European and Government Policies on Climate Change and Renewable Energy. The Appellant considers that the proposal would not comply with energy efficient measures and the Board should refuse permission.
- It is their submission and one which the grounds of appeal are based that the proposed housing development does not comply with climate policy.

### *Policies and Objectives of the Current Dunleer LAP 2017-2023*

- Regard is had to the Strategic Objectives – Sustainability and Best Urban Practice. Concern that this proposal will not consolidate Dunleer and that it lacks permeability, connectivity and linkages to the town centre from the site.
- Note is had of the Phasing Strategy in the Dunleer LAP and to the constraints of the subject site which they provide should not be among the most preferred areas i.e Phase 1 for residential or other development.
- They point out that in view of the distance to the railway station and the town centre that the site should be considered as Phase 2 development and therefore should not be permitted during the lifetime of the plan.

### *Natural Heritage and Green Infrastructure*

- They submit that the Applicant should have regard to the Environmental Policies in the Dunleer LAP, (NB3 – NB7) especially given the current high degree of concern about loss of habitats, serious reduction in numbers of certain species of birds and other fauna throughout Ireland.
- The White River and its riparian zone is a natural wildlife corridor that should be protected from impacts of adverse development.
- The use of the White River as the central core of amenity walks on both banks from the town centre to the White River Mill (Protected Structure) would add to the town's amenities and tourist attraction.
- The Dunleer LAP envisages the White River as a key amenity for the town and they note a number of supporting objectives.

### *Summary*

There are 24no. points included in the Summary. These include:

- The bat and otter surveys are incomplete and cannot be relied upon.
- Further archaeological investigation is necessary and should be undertaken before a decision is made on the application.
- Non-compliance with planning policies particularly relevant to phasing and the development of an opportune urban site.

- Inappropriate land use zoning of the site, inconsistency with regards to phasing, zoning, environmental protection and the protection and safeguarding of the town's archaeological and built heritage.
- Cycleways or walkways are not adequate and there are no plans for linkages to the railway station.
- The proposed housing development fails to comply with the County Council's policies on Transportation and will lead to car dependency and further the commuter nature of the town.
- A decision to grant permission is premature until the railway station is open and a Smarter Travel Programme is in place.
- Given the absence of details of the proposed '*energy efficiency measures*', in the proposed development the Board should refuse permission. The proposal would not comply with Climate Policy.
- There is a need for the protection of natural heritage and bio-diversity. The riparian corridor along the White River needs to be protected.
- The development of walkways to the White River Mill, PS and retention of woodland should be seen as an addition to the amenities of the town.
- It will not enhance the linkages to the town centre or lead to a compact settlement. The long-term future of Dunleer should be taken into account by the Board.

## 6.2. Planning Authority Response

Their response includes the following:

- The Appellant in their submissions seeks to have these lands declassified for residential zoned lands in preference for other lands in the Dunleer LAP 2017-2023. The Settlement Strategy in the Louth CDP seeks to guide sympathetic development to towns and villages such as Dunleer. Consolidation is in accordance with National, Regional and Local Policy and Guidelines for sustainable development.

- They consider that the proposal is consistent with the Settlement Strategy of the Louth CDP and the National Spatial Strategy (NSS) 2002 and the Regional Planning Guidelines for the Border Region 2010-2022.
- They provide details of the preparation of the current Dunleer LAP, the purpose of which is to make an area based guide and direct sustainable development to the town in the next 6 years.
- The LAP provides for an area based strategy for the growth and consolidation of the town. They provide details of the Residential Phasing Strategy and refer to Mapping in the Appendices.
- They note the residential land use zoning, and lands adjacent, within the applicant's ownership are zoned 'Open Space, Amenity & Recreation. Policy CFA 5 relates to the provision of open space/parks. A 10m riparian buffer zone is shown on both sides of the White River.
- The site has been clearly identified as being Phase 1 lands available for low density residential during the plan period 2017-2023 as illustrated on Map 5.3 Residential phasing map in the LAP.
- The site has been visited by the Council's Heritage Officer and they have commented in detail about biodiversity aspects of the site.
- The report from the Department of Culture, Heritage & The Gaeltacht does not object to a conditional grant of permission from both an archaeology and nature conservation perspective.

### 6.3. Observations

These have been received from the following:

An Taisce, John Sweeney, Gerry Crilly, Sean Ó Laoire – Architect and Urban Designer and Niall Gallen – Stop @ Dunleer

As there are similarities in the issues raised relative to concerns about the proposed development, these are considered together under the following headings:

### *Planning History*

- An Taisce considers that the Board's previous reasons for refusal have not been addressed in the current application and that no significant changes have been provided in the current application. They include their submission to the Board for ABP-302779-19 and a diagram showing a motte and bailey.
- The Board is urged to respect the views of visions for Dunleer as per previous studies.

### *Inappropriate Zoning*

- Much of the difficulties associated with this proposal stem from inappropriately zoned land on lands where the Board has previously refused residential development. A strong precedent for refusal has been established by the Board in this location and consistency in this matter is appropriate.
- Adequate lands for residential development exist in Dunleer and there should be more emphasis on infill development in the town.

### *Public Transport*

- The reopening of the train station has not occurred and is unlikely to occur in the foreseeable future. Details are given of the previous history of this. The development is premature pending the opening of Dunleer railway station.
- The proposed development is car dependent and would in the absence of alternatives be discouraged by the National Planning Framework and the Climate Action Plan.
- The proposal does not facilitate pedestrian linkages, or convincing evidence of commuter access to public transport.
- Séan Ó Laoire, Architect and Urban Designer comments have been noted including in the Murray Ó Laoire Plan relevant to Dunleer which is referenced in the Third Party Appeal.
- There is a need to create a sustainable basis for growth in Irish Towns, including those in the sphere of an expanding Dublin Metropolitan Area lacking in infrastructure, notably rail connection, to sustain expansion.



### *Energy Efficiency and Climate Change*

- Energy Efficiency details have not been provided in this application and it is unclear what BER ratings the design characteristics of the proposed development will entail. This proposal would not result in sustainable development for Dunleer.

### *Impact on the White River*

- Any development that would adversely affect the recreational integration opportunities in the environs of the White River Mill a PS, and the White River riparian area would not be in keeping with the orderly planning and development of the area.

## **6.4. Applicant Response**

Stephen Ward Town Planning & Development Consultants Ltd., response on behalf of the Applicant includes the following:

- They have regard to the Board's reason for refusal relative to the previous application Ref. PL 303779-18. They contend that the current proposal fully and comprehensively addresses this reason for refusal.
- They ask that the Board restricts itself in this appeal to consideration of the single issues raised in the reason for refusal in the previous case.
- They request that this application be prioritised for early decision as being a housing development on appropriately zoned and serviced lands. They contend that they provide a full justification for the proposed development.

### *Design, Layout and Orientation*

- They provide details of the current and previous Site Layout Plans relative to design, layout and orientation.
- They provide details of the differences between the development previously refused and current application.
- They have regard to accessibility and permeability within the site.

### *Setting of the Motte*

- They have regard to the 35m buffer zone it is proposed to retain around the base of the motte. Also noting the proposed development is now c. 47m setback from the centre of the motte.
- Additional correspondence from ACS is included at Appendix A of this Statement re-affirms that the current proposal will not impact on the setting of the motte.
- The applicant does not object to the inclusion of condition no. 6 of the Council's permission and will comply with it.

### *Current Planning Application and Decision of the Planning Authority*

- The location of the site within close proximity of the town and a potential new train station encourages the sustainable development of Dunleer, in accordance with the objectives of the CDP and LAP.
- Regard is had to the revised plans submitted at F.I stage. The conditions of the PA decision are noted including non-standard conditions relative to conservation and heritage matters specific to the site. They provide that the applicant has no objection to these conditions.

### *Submission by Third Parties and Prescribed Bodies*

- They have regard to these relative to application and F.I stages.
- They note no record of any further submission from An Taisce at F.I stage. Also, that they have not appealed the decision of the PA.
- Internal Reports of the Council do not object to the proposed development. They note that the PA did not object to the F.I response comprising the Otter Survey/Bat Survey/Bio-Diversity Plan/Landscape Plan and does not object to the development.

### *Applicant's Response to the Grounds of Appeal*

- They consider that the proposed development in proximity to Dunleer town centre promotes Sustainability and Energy Efficiency.

- They refute the Appellant's assertion that the Bat and Otter surveys are incomplete and cannot be relied on. They provide that they were carried out by professional ecologists and provided the appropriate mitigation measures are complied with the proposal will not impact adversely on bats and otters or the ecology of the area.
- They note that Department's comments welcoming the Bat and Otter Surveys. Also, that the applicant does not object to the inclusion of Condition no. 5 of the Council's permission. They provide that there would be no impact on ecology or wildlife.
- The appeal site has been subject to detailed archaeological testing over a time period, including by the current applicant, that has included both geo-physical and test trenching. They have no objection to the inclusion of Condition no. 6 relative to conservation and management of the Council's permission.
- According to the CSO, Dunleer has a positive flow which means more people arrive into Dunleer than leave to go to work. This would indicate that there is a good level of employment in the area. Also commuting times to and from the area are not high (Fig. 4 refers).
- They note that many of the previous community-initiated plans referred to by the Third Party were aspirational and are out of date. The Board is not statutorily bound to consider these plans. They provide that application has regard to the current plans and Ministerial Guidelines.
- They consider that the current proposal is consistent with the objectives of the Dunleer LAP in terms of land use zoning, residential phasing and the objective to provide a riverside park along the banks of the White River.
- Dunleer is a Level 2 Growth Town within the County Settlement/Core Strategy and they consider the proposal to be in accordance with the National Planning Framework Plan which supports urban consolidation.
- There is no specific objective to reopen the Dunleer railway line or to provide a Smarter Travel Plan for the town. The development is unlikely to result in a significant use of traffic levels in the town compared to the current situation.

- The proposal will not impact adversely on the White River Mill development and the riverside walk and will be an attraction for the area.
- Access, infrastructure and services were fully explored in the previous application and appeal and these matters did not form part of the previous refusal reason.
- They consider that the proposed development meets all relevant planning policies and objectives and development management requirements.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. Dunleer is located within the County Settlement Strategy as a “Level 2 Growth Town” as noted in the Louth County Development Plan 2015-2021. The site is on the eastern side of the R132 (Dublin Road) within the development boundary of the Dunleer Local Area Plan 2017-2023. As indicated in the proposed layout on the plans submitted, the proposed housing development area is to be restricted to those lands zoned residential on the western part of the site (with an area of approx.1ha). Regard is had to the Land Use Zoning Map 5.1 in Appendix 5 of the Dunleer LAP.
- 7.1.2. The northern part of the landholding contains a National Monument ‘Motte’ and as shown on Map No. 5.5 is within a Zone of Archaeological Potential and outside the residential development area. The site is currently green field and the proposed housing is proposed on its more elevated part adjacent to the road frontage. To the east of the development area, the land slopes steeply to the river valley. A proposal for a riverside walk is to be incorporated into the overall development proposal, in that part of the site zoned Open Space, Amenity and Recreation with associated objectives (Map 5.6 relates).
- 7.1.3. The Residential Phasing Strategy is noted in Section 2.2 of the Dunleer LAP. This includes regard to consolidation and to the delivery of housing on appropriately zoned Phase 1 lands. Map 5.3, Appendix 5 refers. Policy CS2 seeks: *To ensure all residential development is in accordance with the Residential Phasing Strategy of the Dunleer LAP 2017-2023.* Table 2.2 provides a list of Phase 1 Lands Available for

Residential Development during the lifetime of the Dunleer LAP, includes the residential lands within the subject site.

- 7.1.4. The Third Party considers that the proposal will be car dependant and unsustainable in view of the lack of public transport and the distance of the site from the former Dunleer railway station and that it should be considered more appropriately within Phase 2 lands and therefore not be developed within the lifetime of the plan. However, I would consider having regard to the policies and objectives in the Louth CDP and the Dunleer LAP that the principle of residential development on that part of the site zoned for residential is acceptable, similarly the development of the riverside walk would comply with the objectives for open space/recreation.
- 7.1.5. Dunleer is a town of architectural, historical and archaeological significance. The First Party provide that the application, including the details in the Further Information submitted contain proposals to respect, conserve and maintain biodiversity and archaeological interest present on the site. Also, that the development will support consolidation as per the National Planning Framework Plan 2018 and will contribute towards generating sufficient population on appropriately zoned and serviced urban land and will be positive for increasing the viability of the town. They submit that the current proposal fully and comprehensively addresses the previous reason for refusal and include maps and drawings to demonstrate the changes between the current and previous layouts.
- 7.1.6. The 'National Planning Framework Plan 2040' seeks to increase housing supply and to encourage compact and urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* National Policy Objective 6 is also of note in that it refers to regeneration and rejuvenation of cities, towns and villages as environmental assets. Section 4.3 refers to Planning for Ireland's Urban Growth. Objective 7 includes: *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*

7.1.7. It is considered that having regard to policy that the principle of a residential development is acceptable on this site within the development boundaries of Dunleer, relative to the land use zoning. Regard is had further to the documentation submitted and to the issues raised including compliance with planning policy and guidelines, density, design and layout, open space amenity and recreation including the riverside park and walk, ecology, archaeology, access/traffic, drainage, screening for Appropriate Assessment and impact on the pattern of development and character and amenities of the area in this Assessment below.

## 7.2. **Difference between current and previous proposals**

7.2.1. The issue in this case, is whether it is considered that the current proposal over-rides the Board's previous reason for refusal (as noted in the Planning History Section above) relative to the overall standard of the development and to its impact on the archaeological monument on site. The extent of the proposed development area in the current application i.e 3.08ha is identical to the previous application. There is no change to the overall numbers of dwellings (26 no. units) to be provided and the area of the development site is similar. However, the mix is now more varied (it now includes apartments and further variety in house types) the layout and orientation of the dwellings has changed as has the set back from the Motte. The setback from the centre of the motte to the nearest edge of the built form (footpath) is now shown as 47m, which the First Party provides is a 147% increase in the buffer between the motte and the nearest element of the built form, between that previously and currently proposed. This amendment seeks to ensure the undisturbed setting of the motte. Also, the riverside path has been realigned and repositioned southwards away from the motte.

7.2.2. It is noted that the design and layout and orientation of the scheme has been revised relative to that previously refused by the Board in Ref. ABP-302779-18. Dwellings on sites 1 to 7 are now to be positioned perpendicular rather than parallel of the 'street' so as to benefit from dual type frontages to increase passive surveillance towards the park and the motte. Similarly, dwellings nos. 16-19 (towards the southern part of the site) have also been repositioned so that they are perpendicular to the 'street' and river side park. Dwelling nos. 23 -26 in the south east corner of the site have

been repositioned slightly so that the front doors and habitable rooms are orientated eastwards towards the riverside park and play area.

- 7.2.3. The proposed boundary between the new housing area and riverside park comprises of a mix of hard and soft boundary treatments consisting of timber fencing and hedging. Side boundaries to all dwellings adjoining the park are to consist of 1m high timber fencing to ensure continuous passive surveillance. The development now proposed results in an improved and more integrated relationship between the Park area and the development area. In particular, the proposed development no longer turns it back on the park.
- 7.2.4. An Taisce's concerns about the impact of the proposed development on Dunleer Motte and White River Mill are noted. Their Observation considers that the reasons for refusal in the Board's previous decisions Refs. PL15.218106 and ABP-302779-18 have not been addressed. They include a copy of their comments on the latter. They consider that the design and layout of the proposed residential development would undermine the potential of the existing sensitive landscape with a relatively diverse topography with dominant natural and archaeological features.
- 7.2.5. The First Party provides that these revisions mean that the proposed dwellings have views towards the motte and river creating a strong sense of identity. It is also proposed to provide direct access from the new housing area to the park. The proposed access point is located to the eastern side of the apartment buildings, with a gravel path and a separate set of steps leading from the new residential down to the river. It is provided that the provision of this path provides physical and valid connectivity between the new housing are amenity area. Also, that it presents an improved visual orientation and that the proposed development no longer turns its back on the amenity park nor in view of the extended buffer zone, infringes on the setting of the motte. The proposal will not impact adversely on the White River Mill development and the riverside walk or heritage assets and will add to the amenities of the area.

### **7.3. Density, Design and Layout**

- 7.3.1. Section 2.4.1 of the LAP provides details of Opportune Urban Sites and reference is made to Map 4.1 (Appendix 4- Audit of Zoned Residential Lands). Site 6 refers to the

subject site with an area of 0.91ha zoned residential. These lands are identified for high quality, low density housing. Also noted is that there are both physical and policy constraints which impact on the scale of development feasible at this location.

- 7.3.2. Dunleer is identified in the County Development Plan as a Moderate Sustainable Growth Town and the government's guidelines on Sustainable Residential Development in Urban Areas encourage higher residential densities in town centres and densities on no less than 30 units/hectare on greenfield sites. The proposed development of the 26 units is confined to that part of the site within the residential zoning. It is noted that Section 2.4.3 identifies the Dublin Road for Low Density Housing. The development area of these lands is limited to c.0.9ha which for 26 units would be a density of just under 30 units per ha. As noted in the Inspector's Report relative to the previous proposal Ref. ABP-302779-18, I would concur that given the particular location of the appeal site, its configuration and location adjoining steeply sloping ground and an archaeological monument, the proposed density is reasonable and consistent with the environmental and policy context of the site.
- 7.3.3. A mix of detached, semi-detached, and apartment dwellings are proposed in the scheme of 26no. units to incorporate a variety of designs and 2 storey dwelling types. This includes 8no. 2 bedroom apartments in a 2 storey semi-detached format in a central location within the scheme. It is considered that the proposed housing types and tenure will add to the choice available in the area. Elevations are to be designed to have a distinctive architectural treatment to create visual interest and to ensure passive surveillance. This includes the side elevations of the units facing the public road and the open spaces, which increases the visual penetration of the site.
- 7.3.4. As part of the F.I response an Urban Design Analysis was submitted relative to Compliance with the 12 Criteria in the Urban Design Manual Best Practice Guide, DoEHLG (2009). It is noted that all dwellings have been designed to meet the Development Management requirements of the Louth CDP in terms of room size, private amenity space, car-parking and separation distances. The Design Statement submitted provides details of external finishes.
- 7.3.5. All houses have been designed to face onto at least one of two public open spaces but are to be sufficiently set back from such spaces to prevent adverse impacts to privacy. The revised plans relate to the proposed apartment buildings only and



consisted of proposals for privacy screens to the upper floor balconies. First floor terraces serving apartment dwellings are to be fitted with 2.1m high screens along the full length of their perimeters to ensure that overlooking of adjoining dwellings does not occur. It is recommended that if the Board decide to permit that this be conditioned.

- 7.3.6. On-site parking is to be provided, with grouped parking in front of the apartment units and the play area. It is noted that the play area is within the development area to the south east of the site and is within the area zoned 'Open Space, Amenity and Recreation'. A Riverside Park and walkway are to be provided. I would recommend that if the Board decides to permit that it be conditioned that the play area be open to the public as it is within that part of the site zoned 'Open Space, Amenity and Recreation (Map No. 5.1 refers).

#### 7.4. **Energy Efficiency**

- 7.4.1. The Third Party is concerned that the proposed housing development and especially the way in which the layout is designed, could provide either roof-top solar PV systems or passive solar design for no more than a small number of the proposed houses. In this respect they refer to the Urban Design Analysis and consider that more details on this issue should have been provided at application stage in view of support for this in the CDP (Policies EnCo 18 and EnCo 19 refer) and National Policy. They provide that given the absence of any details of proposed *energy efficient measures* permission should be refused. Any new development should be 'climate friendly/climate proof' i.e based on renewable energy, not requiring an increase in the usage of the private car and maximising the extent of walking cycling to nearby facilities including the town centre. They consider that the proposed new housing development would not meet these requirements. Therefore, they contend that the proposed development does not comply with climate policy.
- 7.4.2. The Urban Design Analysis provides that the orientation of the buildings and roof shapes readily lend themselves for potential solar panels and photo voltaic cells. Energy efficiency measures are to be set out in more detail at building control stage. Details submitted with the application provide that all dwellings are to be designed to a A3 BER Energy rating with high levels of insulation, quality treble glazed windows

and efficient Air to Water Heating proposed. Also, of note is Section 8.1.5 of the Dunleer LAP which provides: *In accordance with the Louth County Development Plan 2015-2021, all applications for residential development must demonstrate that a minimum of 25% of the energy requirements of the building is from renewable sources.* It is recommended that energy efficient design methods be incorporated into the construction of the units.

## 7.5. Archaeology

- 7.5.1. The Dunleer LAP identifies a substantial area as an Area of Special Archaeological Interest. The northern part of the site lies adjacent to the Zone of Archaeological Potential for Dunleer. Map No. 5.5 in Appendix 5 of the LAP shows the Castle/Motte Recorded Monument (LH018-064008) to the north of the site. The NIAH entry refers to the absence of location of the surrounding fosse or bailey. The motte is located on a high natural terrace overlooking the White River at the northern end of the landholding. It lies to the north of the red line boundary and currently appears overgrown. The motte is visible from the R132 and partially in the surrounding area.
- 7.5.2. The proposed development lies south of the motte, which is an important feature and is identified in the LAP for protection and with the Riverside Amenity Park (and associated housing development) to 'provide for its enhanced setting'. Section 6.3.3 refers to the development of a Riverside Amenity Park and this includes regard to the future provision of high quality low density housing on adjoining residential zoned lands. Detailed design should include: *To incorporate the Motte as an archaeological feature, ensure its protection and provide for its enhanced setting.* Policy NB 12 seeks: *To protect Dunleer's Area of Special Archaeological Interest and archaeological sites (See Map 5.5, Appendix 5).*
- 7.5.3. An Archaeological Assessment and Archaeological Geophysical Survey were submitted with the application (it is also noted that these were relevant to the previous application). While note is made of the motte, details are given of other Recorded Monuments and archaeological features including a nearby souterrain (LH018:064/09) and in proximity to the motte and within the village. Note is had of previous archaeological investigations, assessments, trench testing and monitoring

works within the immediate vicinity of the site. These include relative to previous projects carried out in Dunleer and to the previous applications on this site.

- 7.5.4. A Geophysical Study was also undertaken in 2018 and found archaeological features in the northern end of the site. The purpose of this survey was to assess if previously unknown archaeological features are present within the current proposed development area as well as to add to the known features identified in prior investigations carried out in 2004. Details are given of the test results relative to the trench work. The Study recommends that linear anomalies and other magnetic responses be investigated during the testing phase of the development in order to ascertain their archaeological significance.
- 7.5.5. In response to the Department's concerns relative to the need for an updated version based on the current application, an updated Archaeological Assessment was submitted. While regard is had to the proximity of the motte to the site, Section 3.2 provides a list of Recorded Monuments in the vicinity, of which it provides that none will be affected. The Archaeological Assessment makes recommendations for a Conservation Management Plan during construction period. This includes that a buffer zone be established on the ground in advance of construction and an appropriate protective barrier constructed for the duration of the construction phase. It is important that no access be allowed to the buffer zone during the construction phase and that it cannot be used for the storage of materials, topsoil or for a compound. Also, that the National Monuments Service be consulted and awareness is made of the significance of the monument and the exclusion area and of the maintenance of the buffer zone. The objective during the occupation/residential phase of the proposed development is to ensure the preservation and integrity of the identified archaeological site in situ on an ongoing basis and a number of measures are outlined. These include Buffer Zones/Exclusion Areas and permanent information signage.
- 7.5.6. Subsequent to the submission of the Archaeological Assessment Report as part of the F.I response, the Department did not object to the proposed development subject to conditions. These include a suitably qualified archaeologist to oversee the implementation of the mitigation measures proposed in Section 5 (Conservation & Management Plan) and 6 (Conclusions and Recommendations) of the Report. Archaeological mitigation proposals and schedule are be agreed with the Planning

Authority and the National Monuments Services section of the Department, in advance of the commencement of any construction works. Also, no construction works are to take place without the approval of the schedule and written agreement of the P.A and the National Monuments Section of this Department.

7.5.7. The First Party response provides that following the more recent archaeological investigation works undertaken by the applicant it is proposed to retain a buffer zone of 35m around the base of the motte. No development therefore will take place within this radius of the base of the motte and this distance has been deemed appropriate by the Department Applications Unit of the Department of Culture, Heritage and the Gaeltacht, who do not object to this proposal. Having regard to concerns previously raised by the Board, the 2m wide gravel path providing access to the riverside walk has been realigned and repositioned southwards so that there is now no physical encroachment on the buffer zone of the motte. As noted, 47m is to be provided between the centre of the motte (increased from 19m previously shown) and the northern edge of the proposed gravel path and 52m between the base of the motte and the nearest house to protect and maintain its current setting. Additional correspondence from ACS is included in Appendix A of the First Party response provides that the current proposal will not impact on the setting of the motte.

7.5.8. In response to Third Party concerns, the First Party provide that detailed archaeological testing has been carried out, including relative to the current and previous applications on this site. Condition no. 6 of the Council's permission requires a detailed Conservation and Management Plan to be submitted to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht to ensure conservation of the motte, prior to the commencement of any development works on site. The applicant provides they will comply with such a condition. If the Board decides to permit it is recommended that this be included along with appropriate archaeological monitoring/mitigation conditions.

## **7.6. Landscaping and Riverside Walkway**

7.6.1. The development site consists of a level field of improved grassland but the land falls to the east (off-site), down to the wooded bank of the river. The valley side is partly in scrub. The front part of the site has a narrow grassed verge separating the site from

the R132. It is proposed that the area to the east be used as public open space to incorporate a river walk to be linked to the main road/town via a c. 2.0m wide public path with two access locations, one at the main site entrance and the other to the north of the site closer to the town centre. The Design Statement submitted provides that provisions, are proposed to enable a future extension to the river walk. Also, that the applicant will provide this rear public open space land to the Council upon taking in charge. Additional parking is proposed within the site to cater for additional users of the rear open space walkway.

- 7.6.2. Section 3.2 of the Dunleer LAP includes that provision of riparian corridors will protect the habitat, visual and amenity quality of the White River which flows through Dunleer town and has good stocks of Salmonids. Environmental Policies NB2 to NB5 relate, Policy NB4 seeks to secure the provision of a walkway along the White River and NB5 to secure the improvement of high quality public areas, including open spaces and the approach to towns. This includes through planting, high quality boundary treatment, appropriate signage, footpath improvement, public art and traffic calming where appropriate. Section 6.3.1 refers to an opportunity for the development of a riverside amenity park focused on the White River and Motte and linked with the linear amenity walkway. The LAP envisages the development of a walkway along the White River as a key amenity for the town.
- 7.6.3. The Applicant's F.I response includes Landscape plans which provide for the retention of the majority of existing boundary trees and hedgerows to the west and south, in addition to the retention of the vegetation along the riparian corridor including the western bank of the White River which is to be maintained in its current 'Wild State'. It is provided that no development will take place within 10m from the river's edge and the riverside path is to be located outside this area. The distance between the edge of the new housing area and the river bank ranges from c. 34m at its nearest point to c. 50m at its furthest, maintaining a split in the residential development and amenity space. Consideration is needed as to how the walkway shall be managed and maintained going forward. Condition nos. 19(a) and (b) of the Council's permission refer.
- 7.6.4. As part of the F.I response, a revised Landscape Plan and Bio-Diversity Plan were provided. In addition, it is also proposed to introduce areas of new planting comprising native vegetation to limit the impacts from increased human activity in the

area. The importance of the retention of the majority of the roadside hedgerow except where removal is necessary to facilitate the entrance and sightlines and footpath along the frontage is noted. It is submitted that the introduction of new trees of a similar species in conjunction with the retention of the existing hedgerow along almost the full extent of the western site boundary will ensure that no negative effect arises. It is recommended that if the Board decides to permit that a landscaping condition be included.

- 7.6.5. Also, of note is that the invasive species of knotweed was found on the site. A Report has been submitted from Ecoweed Control regarding *Non-Native Invasive Weed Eradication & Removal*. This notes that Knotweed an invasive alien species with a high risk of infestation to neighbouring lands, needs to be handled in a responsible manner to protect the environment, be socially responsible and prevent property risk. Regard is had to the need for a Management Plan to be read in conjunction with current codes of practice and to Remediation Proposals to control and eradicate the knotweed. The object being to prevent re-infestation of the site. The AA Screening Report recommends that before construction the clump of Japanese knotweed should be fenced off (giving clearance of 5m) and treated by a specialist contractor over several years to eliminate it. Also, that all excavation machinery brought onto the site should be washed to prevent further impact of this of other invasive species. It is recommended that if the Board decide to permit that a condition relative to this issue be included.

## 7.7. White River Mill

- 7.7.1. The White River Mill, Protected Structure NIAH (Ref: 13830009) is situated to the south east of the site and is physically and visually separately from it being further to the south. Access to the mill complex is via an unsurfaced lane immediately south of the site. The complex of buildings that make up the White River Mill (17<sup>th</sup> century floor mill representative to early industrial heritage) are located in excess of 250m to the north. Mature trees line this lane and area to be retained as part of the development. The Heritage Officer recommends that consideration should be given to retaining the blackthorn scrub along the southern part of the site as this acts as a valuable barrier in depth between the proposed housing estate and the lane leading to the mill to the south. The Third Party contend that a riverside walk to link this

structure to the town centre would be an addition to the town's amenities and tourist attraction. There is a need to retain woodland in the area as well as protection of the buildings.

- 7.7.2. The nearby White River Mill, Rathesker Lakeside walk and the many other scenic walks add to the attraction of the area around Dunleer for tourism. There are suggestions that the walkway should extend to connect to this area and to the train station to the north. While this connection is not within the boundaries of the subject site or part of the landholding, it is considered that the proposed Riverside walk through the site will add to the amenities of the area and that additional future linkages should be encouraged.

## 7.8. Ecology

- 7.8.1. The AA Screening Report notes that the site itself has a low level of biodiversity and is typical permanent grassland. However, it lies beside a relatively rich habitat of scrub and riparian woodland around the White River. A Bio-Diversity Plan has been submitted, which provides a description of existing habitats within the site and landholding. Regard is also had to additional habitat creation and potential impacts on fauna. Also, specific measures have been incorporated into the Biodiversity Plan based on recommendations outlined in the bat & otter surveys. Regard is had to the implementation of the proposed Biodiversity Plan to ensure that the proposed development will not adversely impact on local ecology.
- 7.8.2. The 'Otter Survey' was undertaken by a qualified ecologist in Gannon & Associates Landscape Architects on the 7<sup>th</sup> of June 2019 and covered a 250m section of the western bank of the White River. Whilst the survey found the River and associated offered 'good habitat; for otter (a protected species), no evidence of otter presence was found at the time of the survey. The survey includes that the elimination of cattle grazing on the site as a result of the proposed development will be a 'positive impact' as at present the riparian area along the river is showing signs of 'slippage' and 'poaching'. While human impact may present a slight 'negative impact' on otter utilising the area, they provide that mitigation measures including: retention of existing riparian vegetation and scrub in their natural state along the western bank of the river and; planting of suitable native screening vegetation between the proposed

development and the White River in order to limit impacts from increased human presence. While this is to be a serviced site, measures are to be taken on all sides of the site where appropriate to prevent any run-off entering the White River during construction in the event of excessive rainfall. In accordance with the Survey, provided, the recommended measures outlined in this report are adhered to, there will be no significant adverse effect on otter as a result of the proposed development.

- 7.8.3. Similarly, a 'Bat Survey' was undertaken on the 7<sup>th</sup> of June 2019. It is provided that the format of the survey followed best practice methods as set out in '*Bat Survey Guidelines for Professional Ecologists*' (Bat Conservation Trust 2016). In summary four species of bat were recorded in proximity to the site, with levels of activity deemed to be moderate to low. The majority of the activity was recorded in the vicinity of the White River, with lower levels of activity recorded in the northern part of the site, south of the motte and in the wooded area close to the northern boundary. The survey also noted the existence of alder trees along the western bank of the White River have the potential to support roosting bats. It is noted that the proposed development does not involve any works in or to those specific areas and features where the majority of bat activity was recorded. They propose to retain all existing alder trees along the western bank of the river and the development.
- 7.8.4. Reference is made to the Landscaping scheme submitted and mitigation measures proposed include the planting additional alder trees at two separate locations in the area between the proposed boundary and the river. Mitigation measures include that there be either bat appropriate lighting or no lighting along the c. 250m section of the proposed River Walk, planting of native screening vegetation between the proposed River Walk and the White River and the erection of bat boxes at appropriate locations on trees along the River. No works are proposed in the area surrounding the motte. The existing wooded area in the northern part of the site is to be retained.
- 7.8.5. The Third Party contends that the Bat and Otter Surveys are incomplete and cannot be relied on. The First Party refutes this and provides that they were undertaken by Professional Ecologists. While the Survey did identify that the proposed development has the potential to impact on foraging and commuting bats in the area, as a result of increased lighting and human presence, it considers that any potential impacts can be minimised with appropriate mitigation measures. It concludes that provided the recommended measures outlined in this report are adhered to, that there will be no



significant adverse effect on the local bat population as a result of the proposed development. Bats are a protected species and the applicant is willing to consent to a condition relative to these mitigation measures and it is recommended that such be included should the Board decide to permit.

- 7.8.6. Similarly, regard is had to concerns about the Otter Survey. While the Survey did find that the River and associated riparian habitat offered 'good habitat' for otter, no evidence of otter presence was found. They note that the proposed development has the potential to impact on otters in the area, but that any potential impacts can be minimised with appropriate mitigation measures. If the Board decides to permit it is recommended that this be conditioned.
- 7.8.7. Inland Fisheries Ireland note that the site is located adjacent to the White River. This river is valuable from a fisheries perspective as it contains valuable spawning and nursery habitat and supports stocks of salmon, sea trout, brown trout and European eel among other species. It is noted that salmon are listed as an Annex II Species under the European Habitats Directive. The White River, a tributary of the River Dee, provides a significant contribution to the population of adult fish in the River Dee, which is a valuable angling tourist amenity.
- 7.8.8. Notwithstanding the conclusions of the Board in their previous application that there would be no adverse impact on wildlife, the outdoor exercise equipment and picnic benches along the western edge of the proposed pathway are omitted and to be replaced with benches in order to address the concerns raised by the PA in respect of potential species disturbance. If the Board decide to permit it is recommended that a condition relative to the nature conservation be included.

## 7.9. **Access and Traffic**

- 7.10. On shown on the Site Layout Plan submitted, vehicular access from the R132, is proposed towards the southern end of the site, with excess of 150m sightlines each side of the proposed site entrance. While, there are no footpaths along the site frontage of what is now a green strip along the frontage, there are footpaths to the north closer to the town centre and on the opposite side of the road, all within the development boundaries of Dunleer. This proposal includes the provision of a footpath to link to the town along the site frontage. While on site I noted that this

section of the (R132) is a fast and busy road, without a pedestrian crossing in the vicinity of the site. However, the site is within the urban speed limits and is within the 50km/h speed limit zone.

7.11. Regard is had to the lack of public transport, in particular rail linkage. There is a bus route along the R132 into the Main Street Dunleer (Drogheda/Dundalk) and bus stops to the north of the site. It is noted that the Council's Infrastructure Office does not object to the proposed development subject to conditions. It is recommended that if the Board decides to permit that appropriate conditions be included.

#### 7.12. **Prematurity**

7.12.1. The Third Party consider that having regard to the policies and objectives of the Dunleer LAP the proposal should not be granted, that it would be premature pending a town centre urban infill strategy and a transportation plan for the town, a comprehensive plan for the White River as an ecological corridor and an amenity area etc. However as has been noted the proposal is within zoned lands and the Phase 1 area, in the development boundary of Dunleer.

7.12.2. There is concern that the proposed development would increase the car dependency of this commuter town. Also, that a decision to grant planning permission without the re-opening of the former railway station and without a reliable and scheduled rail service to other towns such as Drogheda and Dundalk and to Dublin would be premature and would be in conflict with the urgent requirement to reduce transport emissions.

7.12.3. Also, that any new residential development should be adequately linked by pedestrian and cycle routes to the town centre as well as to adjoining residential areas, and that a safe cycleway is needed separated from vehicular traffic. Therefore, that the proposal would conflict with Policy Res 15 of the Louth CDP relative to the provision of safe pedestrian and cycle routes.

7.12.4. In response the First Party note that Dunleer is a Level 2 Growth town in the Louth area, that there is employment in the area, and that commuting times are not high. They also note that there will be footpaths and public lighting connecting the application site with the town centre.

- 7.12.5. Section 4.6.1 of the Dunleer LAP refers to Roads and Streets and includes reference to pedestrian and cycle paths to be provided from the former railway station site through to Barn Road in order to increase capacity and afford access to facilitate the development of the lands in front of the former railway station. Policy IN 19 refers to improved railway services in the Co. Louth area. However, while the aspiration for improved services is noted in the LAP, there is no definite proposal or timescale given for the opening of the railway station in Dunleer.
- 7.12.6. The Third Party consider that the any decision to grant permission is premature until the Smarter Travel Programme is in place for Dunleer. Section 7.2.2 of the Louth CDP refers to the document: *A Sustainable Transport Future – A New Transport Policy for Ireland 2009-2020* and includes that this may evolve for the County during the course of the Plan. However, while there is committal to promote modal shift, there is no specific policy relative to Dunleer.
- 7.12.7. It is of note that Section 7.16.1 of the Development Management Guidelines 2007 refers to Premature Development. This includes: *In general, prematurity arises where there are proposals to remedy the deficiency. Also: However, development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame.*

### 7.13. Drainage and Flood Risk

- 7.13.1. Chapter 8 of the Louth CDP refers to the Environment and includes regard to Waste Water Treatment: Policy ENV 17 seeks: *To require that all permitted development taking place within an area served by a public wastewater treatment system connects to that system.* Section 10.3.1 refers to Wastewater and Table 10.1 notes the Public Wastewater Schemes in County Louth, which includes Dunleer. Table 10.3 notes the Public Water Schemes and includes Greenmount/Dunleer. Section 10.7 refers to and notes the importance of riparian corridors for biodiversity.
- 7.13.2. Section 4.1.1 of the Dunleer LAP notes that the town is served by the Greenmount Water Treatment Plant with a water supply booster from a pump station located on the Dundalk Road. It notes that this plant, the connecting trunk mains and the

booster station have limited capacity and no reservoir storage. Also, that there is limited availability to increase supply to the area and continuity is susceptible to power loss or booster pump failure. This provides that the water supply will be upgraded to address quality and supply issues. Policy IN 3 seeks: *To promote and work in co-operation with Irish Water to secure an upgrade of the water supply as part of any future Irish Water Capital Investment Plan (CIP) 2017-2021.*

- 7.13.3. A Site Services Report has been submitted with the current application. This proposal seeks to connect to existing services. A Drainage Plan has been submitted with the application, the proposed attenuation area is shown in the northern part of the proposed open space area to the south of the buffer zone for the motte. Details are provided of surface water drainage including attenuation design. Of note is that measures need to be taken integral to the construction of the project on all sides of the site where appropriate to prevent any run-off flow entering the White River during construction in the event of excessive rainfall.
- 7.13.4. Foul sewer discharge from the site has been calculated. They provide that a pre-connection enquiry form has been submitted to Irish Water for confirmation of available capacity. Details are also given of Water Supply Demand calculations.
- 7.13.5. It is noted that the Infrastructure Section in Louth County Council has no objection to the proposed development provided the works are carried out in accordance with the documents received on the 22<sup>nd</sup> of March 2019. They recommend a number of conditions. Irish Water also has no objections subject to conditions. Therefore, plans for drainage should be acceptable, subject to the inclusion of appropriate drainage conditions.
- 7.13.6. A Flood Risk Assessment has also been submitted. This adopts the Source-Pathway-Receptor modal for assessing the risk of flooding on the existing properties. It notes that the proposed walkway path is set back from the river edge to provide a 10m riparian buffer zone as per the Development Plan. The proposed level of the path is set at approx. 2m above the recorded top water level and above the predicted 1:1000year level. The siting of the proposed dwellings is on higher ground than that sloping to the river and does not inhibit any flood plains associated with the White River. In view of this it is not considered that the proposed residential development area of the site is susceptible to flooding.

## 7.14. Development Contributions

- 7.14.1. The applicant considers that these lands being Phase 1 lands as per Map No. 5.3 Residential Phasing Map of the LAP qualify for a 20% reduction in development contributions in accordance with the provisions of the scheme. In addition, that the construction of the riverside amenity park is also subject to an exemption from the requirement to pay development levies under the provisions of the scheme.
- 7.14.2. Regard is had to the Louth County Council Development Contribution Scheme 2016-2021. As per Section 2.2 the types of public infrastructure and facilities that can be funded include infrastructural (roads and surface water) and recreational and amenity facilities including: (b) the provision of open spaces, recreational and community facilities and amenities and landscaping works. Section 5.0 provides the Level of Contribution Table 1 refers. Section 6.2 refers to Reductions i.e: *There will be a reduction in the rates for residential and non-residential developments in town centre areas and in Phase 1 lands.* Section 6.3 provides Exemption and Reduction Tables. Table 2 relates to Residential and Table 3 to Non-Residential Development. The former includes *Consolidation of Urban Core Area* i.e a reduction of 20% for Town Centre and Core Strategy Phase 1 Lands.
- 7.14.3. The proposed development comprises provision of some of the non-built elements of the Riverside Amenity Park, to the west of the River White, namely lands, walkway and landscaping and in effect provides a large scale outdoor recreational development which is beyond the scale of the proposed development. However, as written the development contribution (under 6.1, category 8 above) exempts the 'non-built' element of the large scale outdoor recreational developments. In this case, it is the 'built' element on residentially zoned lands that the development charge is levied against. Hence, the exemption under Article 6.1, Category 8 does not apply.
- 7.14.4. This proposal will result in 26no. dwelling units and in accordance with the Scheme, this would result in the following:

Infrastructure €4,200 x 26 x 20% = €87,360

Amenity (including parks, recreation, amenity & community facilities)

€1,200 x 26 x 20% = €24,960

Total = €112,320.

The Planner's Report also provides that a standard bond contribution is also required at the rate of €3,300 per unit x 26 i.e a total of €85,800.

Condition nos. 17 and 18 of the Council's permission apply. If the Board decides to permit it is recommended that similar type conditions be included.

#### **7.15. Screening for Appropriate Assessment**

7.15.1. The AA Screening Report notes the qualifying interests and Conservation Objectives for Dundalk Bay (cSAC 000455) and cSPA (004026). It is noted that the White river outfalls into Dundalk Bay c. 7km to the north east of Dunleer (no other Natura 2000 sites are connected to the appeal site). Also, that the development is to be on a fully serviced site connected to the public systems of water supply and sewerage. Integral to the construction of the development surface water outfalls are to be managed by attenuation and SuDS. Adherence to good practice is to be adopted during construction works. Given the relatively small scale of the development, arrangements for service and the distance of the appeal site from Dundalk Bay, it is concluded that the proposal is not likely to have a significant effect either individually or in combination with other plans or projects on a European site and that it is not necessary to carry out a Stage 2 assessment (NIS).

7.15.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. Dundalk Bay (cSAC 000455) and cSPA (004026) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **8.0 Recommendation**

8.1. I recommend that permission be granted subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective for the site, as set out in the Dunleer Local Area Plan 2017- 2023, the policies and objectives of the Louth County Development Plan 2015-2021, the National Planning Framework, 2018 – 2040, the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009, the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018, and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the heritage, nature conservation, visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 28th day of June and the 4<sup>th</sup> day of July 2019 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of September 2019, 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The privacy screens proposed to the balconies of the first floor apartments shall be a minimum of 2m in height at the sides and 1m at the rear and shall

be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.

(b) Details of proposed boundary treatments within the residential part of the scheme including heights, materials and finishes shall be submitted.

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

**Reason:** In the interests of visual and residential amenity.

3. 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. The roof colours shall be blue-black or slate grey, including ridge tiles.

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

4. The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Plan drawing no. 190313-LP-01 submitted to the Planning Authority on the 4<sup>th</sup> of July 2019. Existing trees and hedgerows shall as far as possible be retained. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

5. Prior to commencement of development on site, the Japanese Knotweed shall be removed from the site in accordance with the Method Statement submitted to the planning authority on the 22nd day of March 2019.



**Reason:** In the interest of the control of invasive species.

6. Detailed measures in relation to the protection of bats and otters and their habitats and the implementation of the Biodiversity Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures or removal of trees that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority in writing prior to the commencement of any development.

**Reason:** In the interest of wildlife protection.

7. (a) The development, including all roads, footpaths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority.  
  
(b) The areas of open space shown on submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.  
  
(c) All of the areas of public open space, including the riparian area and riverside walk and play area as shown on the submitted drawings, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

**Reason:** In the interest of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

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

**Reason:** In the interests of public health and to prevent flooding.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

10. (a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

(b) The internal road network serving the proposed development including turning bays, footpaths and kerbs, shall comply with the requirements of the Design Manual for Urban Roads and Streets.

**Reason:** In the interests of pedestrian and traffic safety.

11. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

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

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

(d) A detailed Conservation and Management Plan to include a schedule of mitigation works to ensure the conservation of archaeology, shall be submitted prior to the commencement of development. No construction works shall take place within the buffer zone, and without the written agreement of the Planning Authority and the National Monuments Services Section of the Department of Culture, Heritage & the Gaeltacht.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

---

Angela Brereton  
Planning Inspector

18<sup>th</sup> of December 2019