



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-306557-20

Strategic Housing Development	233 no. residential units (178 no. houses, 55 no. apartments), crèche and associated site works.
Location	Lands at Dublin Road, Haggardstown, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Prospective Applicant	PJ & EJ Doherty.
Date of Consultation Meeting	13 th of March 2020
Date of Site Inspection	20 th of February 2020.
Inspector	Karen Hamilton

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Strategic Housing Development	3
4.0 Planning Policy	4
5.0 Planning History.....	6
6.0 Section 247 Consultation(s) with Planning Authority	6
7.0 Prospective Applicant’s Case	7
8.0 Planning Authority Submission	8
9.0 The Consultation Meeting.....	10
10.0 Assessment.....	13
11.0 Recommended Opinion	13

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1. The subject site is a greenfield site located to the south of Dundalk Town Centre, Haggardstown. The site fronts onto the Dublin Road, west, and is an expansion of an existing residential estate, Earlsford. Earlsford comprises of a range of detached, semi-detached and terrace dwellings, interlinked with cul-de-sacs, rear car parking areas and small pockets of open space. A significant number of housing estates have been developed on the opposite side of the Dublin Road at Marlmount which is characterised by two and three bed dwellings.

3.0 Proposed Strategic Housing Development

The proposed development includes 233 no. housing units, crèche & community building on a site to the south of Dundalk town Centre as summarised below.

Development Parameters

Parameters	Site Proposal
Area	7.607ha
Density	c. 34.7 units/ha (net) c. 30.4 units/ha (gross)

Crèche & Community Space	309m ²
Open Space	14%

Unit type

Unit Type	No	%
1 bed (apartments)	20	8.58
2 bed (inclusive of apartments)	58	24.89
3 bed	127	54.51
4 bed	28	12.02
Total	233	100%

4.0 Planning Policy

4.1. National Policy

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Urban Development and Building Heights Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Childcare Facilities – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, 2009.

4.2. **Regional Spatial & Economic Strategy (RSES) Eastern Midlands Regional Authority (EMRA)**

- Dundalk is identified as a Regionally Important Larger town/ Regional Growth Centre
- Section 2.3- Support sustainable settlement patterns and encourage the growth of Dundalk.
- Dundalk is located on the Eastern Corridor (Dublin-Belfast growth).

4.3. **Louth County Council Development Plan 2015-2021**

- Dundalk & Environs is a defined gateway and a Large Growth town
- Table 2.3 Population projection for Dundalk to 2021 - 46,622 (residential units 3,111)

4.4. **Dundalk and Environs Development Plan 2009-2015**

The site is located on lands zoned as, Residential 1, where it is an objective to “*To protect and improve existing residential amenities and to provide for infill and new residential developments*”

Policy HC 18 Ensure compliance with sustainable residential guidelines.

Policy HC 19 Qualitative private amenity standards

Table 6.6- Public Open Space 14%.

Policy HC 22 Apartment standards to comply with Appendix 1.

Core Strategy

Map 2 Phasing Map- Site is located on lands zoned as Phase 2

POLICY CS2

To apply the phasing of new residential development as per the phasing strategy set out, whereby residential development, other than infill, brownfield or mixed use development shall only be permitted in the identified area within Phase 1. Only on completion of the development of 75% of these lands shall subsequent phasing be considered for additional residential development.

5.0 Planning History

PL15.131275 (Reg Ref 99/1053)

Permission granted for the PJ & EJ Doherty for the erection 363 no. dwellings, a community building including a convenience store, together with associated site works.

6.0 Section 247 Consultation(s) with Planning Authority

Three S. 247 consultation meetings were held between the applicant and the PA on the 6th February 2019, 20th May 2019 and the 4th December 2019, (records for 2 received) and the issues discussed are summarised below:

- The Pre-application process: Three meetings would be held, revised plans and interdepartmental consultation recommended.
- The Development: The planning history on the site, the alterations to the scheme, increase in density, the required typology.
- Flooding: A flood risk assessment will be required.
- Infrastructure: DMURS & SuDS compliance will be required.
- Apartment Standards: Compliance with SHD and national guidance
- Density: 26 units to low and must get closer to 30 units per hectare.
- Go Car spaces should be integrated into the development and shared parking near public transport routes.
- The landscaping strategy was coming in at 10% although other SHD applications were coming in at 14% and this could be supported.
- Sub threshold screening is required although it is not envisaged an EAIR is required.
- A crèche is required and contact with the Louth County Childcare Committee was recommended.
- Irish Water pre connection query required.
- Part V compliance required.

7.0 Prospective Applicant's Case

The application was accompanied by the following:

Application form;

- Part V proposals;
- Part V letter of confirmation from Louth Co Council;
- Architectural drawings,
- Design statement;
- Housing Quality Assessment;
- Planning statement;
- Schools & childcare assessment;
- Statement of housing mix;
- Project construction management;
- Building lifecycle;
- EIA screening statement;
- DMURS design audit;
- Landscape proposals;
- Site specific flood risk assessment;
- Traffic & transport report;
- Traffic impact assessment;
- Road safety audit;
- Services & engineering report;
- Engineering drawings;
- Pre-connection inquiry from Irish Water;
- Appropriate Assessment (stage 1) screening;
- Natura Impact Statement;
- Ecological Impact Assessment;

- Archaeological assessments;
- Project CGI's.

8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 03rd of March 2020, and are summarised below

- **Background** to the development including planning history, site description and local policy,
- **Core Strategy & Phasing** (Variation No 1). The lands are included in Phase 2 although it is considered the Core Strategy document is outdated as the units in the Dundalk area have not been delivered and the site is considered suitable for consolidation.
- **Part V-** Clarity on the number of units to be delivered within each phase.
- **Density** - The density of 34.7units/ha does not comply with the Sustainable guidelines (35-50 units/ha). All the lands should be included in the density calculation, therefore the density is calculated at 30.63 units/ha, if the 5 aside is removed = 31.3 units/ha.
- **Height-** A greater height along the Dublin road would add to the sense of place and arrival at a gateway destination.
- **Housing Mix-** Policy HC 3- there is a proliferation of 3 bed semi-detached dwellings.
- **Phasing-** The phasing plan should be linked to the surface water network installation.
- **Design-** There is a proliferation of cul-de-sacs which do not provide connectivity. The overall design is considered suburban with no sense of place or correct interface with the Dublin Road.

- **Materials-** The materials, in particular those on apartment 2 & others facing onto the Dublin road require high quality.
- **Open Space-** The quantum is sufficient although the design is not functional.
- **NIS-** Other projects have not been identified or detailed.
- **Boundary Treatment-** The treatment of boundary's along internal roads is not acceptable in particular the west of the site.
- **Taking in charge-** The area to be taken in charge should be detailed on a site layout plan.
- **Access & Transport-** DMURS compliance is questioned as is the Road Safety Audit (1&2), a segregated cycle lane should be provided along the western boundary with the R132 and sheltered cycle stands should be provided.
- **Traffic Impact Assessment (TIA)-** The TIA does not indicate any significant impact on the roads network although in the wider scale the Western Infrastructure Road is required and consideration should be given to a Special Contribution scheme.
- **Flood Risk Assessment-** Has not addressed the failure of the Surface Water network and identified where suitable overland flow and flooding would occur in this event (1 in 100 year event). Gullies are only designed for 1 in 2 or 1 in 30. The FFL of each house is required. Details are required on the flooding along the eastern boundary. Compensatory storage will have to be provided on a level to level basis.
- **Surface water-** the design does not cater for the development. Connection to the north may require removal or rezoning of new pipes and no details are provided. All phases of works shall be catered for. Details of how outflow will be restricted to levels the same as greenfield rate and incorporating SuDS. Cross section of the attenuation unit including invert of discharge pipe. Surface water proposal to be integrated into FRA. Access of plant machinery to the stream along the south of the site.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 13th of March 2020, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Interface with the Dublin Road
2. Development Strategy for the site to include inter alia:
 - Density,
 - Height,
 - Range and type of housing,
 - Phasing,
 - Palette of materials,
 - Pedestrian connectivity and permeability,
 - Open space provision.
3. Surface Water.
4. Flooding.
5. Traffic and Transport.
6. Any other matters.

9.2. In relation to the **interface with the Dublin Road**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The layout and design of the proposed development including the treatment along the Dublin Road, the importance of an attractive interface and the orientation of the proposed buildings onto the Dublin Road.
- The provision of an active street frontage along the Dublin Road including enhanced permeability, connectivity and the treatment of an urban edge.

9.3. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The proposed density on the site, the calculations for gross and net density including the open space and community building and those definitions in line with the national sustainable residential development and the requirement for higher densities on the site of not less than 35 units per hectare gross.
- The requirement for detailed proposals to ensure efficient land use, the previous SHD applications, on the adjoining and surrounding sites, where a reduction of density was applicable and other similar SHD and ABP decisions relating to calculation of density.
- The height strategy for the site, the limited variation along the Dublin Road, the potential for height increase having regard to any increase in density.
- Range of housing provision and the number of 3 bed semi-detached units within the scheme.
- The palette of materials and the amount of render finish on the apartments and rear of dwellings visible from the Dublin Road and support an attractive urban design and longevity for all buildings.
- Provision of appropriate quantum and quality of public open space for entire development including the incorporation of communal open space in compliance with the national apartment guidance.
- Clarity required in relation to boundary treatments around and throughout the site, integrating connectivity and permeability.

9.4. In relation to the **Surface Water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Provision of surface water proposal and networks in line with the phasing proposal for the entire site.
- Details of all surface water provision including connections to the existing adjoining estate, the inclusion of SuDS and the discharge of runoff rates equal to greenfield rates.

9.5. In relation to the **Flooding**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The inclusion of flood zones detailed in both the Coastal Flood Risk Assessment Maps (CFRAM), the Irish Coastal Protection Strategy Study (ICPSS) and any other publically available information relating to flood risk in the Flood Risk Assessment (FRA).
- Detailed information on the potential for any flood displacement on other lands particularly lower lands to the east of the site and the implications for the increase in the ground levels on the site.
- Integration of flood risk assessment with other plans and particulars including engineering drawings, Natura Impact Statement (NIS) and Construction Management Plan.
- The provision of detailed drawings to illustrate FFL of dwellings sufficient to compliance with extreme flood levels.
- Integration of the stream and the flood plain as a feature of the proposal with the removal of hard rear boundary treatment for proposed dwellings and the potential enhancement as an ecological feature.

9.6. In relation to the **Traffic and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Compliance with DMURS layout standards and guidelines including compliance with Section 3.3.1 and the proliferation of cul-de-sacs which can prevent permeable residential layouts.
- The inclusion of a Section 48 (2)(b) development contribution for the delivery of the Western Infrastructure Road, the information submitted in the Traffic Impact Assessment and the potential for the Board to include this condition on any future application.
- The provision of pedestrian and cycle routes along the front of the site adjoining the Dublin Road and provision of potential integration for future connections at either side by the Local Authority.

9.7. In relation to the **Any Other Matters** , An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The response received from Irish Water and the requirement for further investigations and detailed modelling to confirm the available capacity in the wastewater network.
- The justification for Phase 2 lands including any consideration of the housing allocation in the Core Strategy and any potential contravention of the development plan which may arise.
- The phasing of the Part V provision and the requirement for an agreement with the Local Authority prior to the submission of any application.

10.0 Assessment

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for** an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and amendment to constitute a reasonable basis for an** application for strategic housing development to An Bord Pleanála.

Design and Layout

1. Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the provision of a minimum density of 35 units per ha, increased height strategy and orientation and layout of the dwellings in relation to the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009), and the 'Urban Development and Building Heights Guidelines'. In addition to design which is addressed above, the matters of the configuration, the layout and the architectural approach with particular emphasis on the Dublin Road should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Open Space and Permeability

2. Further consideration and/or justification of documents for the provision of high quality open space areas which incorporates the provision of appropriate play facilities, landscaped areas, boundary treatments and pedestrian/ cycle ways throughout the site clearly delineating public, semi-private and private spaces, having regard to the requirements of Design Manual for Urban Roads and Streets (DMURS), the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban

Areas' (2009). Further consideration of these and the following issues may require an amendment to the documents and/or design proposals submitted to reflect the:

- provision of a segregated pedestrian and cycle network along the Dublin Road,
- integration of an appropriate roads hierarchy in conjunction with the prioritisation of pedestrian activity,
- treatment of cul-de-sacs and residual open space areas.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information** should be submitted with any application for permission:

1. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works, Finished Floor Levels and subsequent integration of proposal with the Flood Risk Assessment (FRA).
2. Provision of updated Flood Risk Assessment to account for all publically available flood maps including but not restricted to CFRAMS and ICPSS, compliance with the national flood risk guidance.
3. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
4. Details of Part V provision clearly indicating the proposed location and appropriate delivery of all Part V units.
5. Details confirming compliance with the Irish Water requirements and all works required for the waste water connection.

6. The provision of an integrated strategy for the delivery of a proposed residential development including the co-ordination of all plans and particulars such as but not restricted to, any ecological assessments, Construction Management Plan, Surface Water proposals and Flood Risk Assessment.

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

1. Transport Infrastructure Ireland.
2. Irish Water.
3. Louth County Childcare Committee
4. Minister for Culture, Heritage and the Gaeltacht (nature conservation)
5. Inland Fisheries Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Karen Hamilton
Senior Planning Inspector

23rd of March 2020