



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-309374-21**

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#### **Strategic Housing Development**

318 no. residential units (158 no. houses, 160 no. apartments), creche and associated site works.

#### **Location**

Lands at Marlbog Road, Haynestown, Dundalk, Co. Louth.

#### **Planning Authority**

Louth County Council

#### **Prospective Applicant**

James Loughran

#### **Date of Consultation Meeting**

26<sup>th</sup> of May 2021.

#### **Date of Site Inspection**

20<sup>th</sup> of April 2021

#### **Inspector**

Karen Hamilton

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## 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 rural field located in Haggardstown, to the south of Dundalk, Co. Louth. The site is accessed from the Marlbog Road and is located to the west of Geraldine's GAA field and to the rear of St. Fursey's National School. The access into the site is via an agricultural entrance off the Marlbog Road, between two bungalows which face onto the Marlbog Road. A row of similar rural style dwellings is located along the Marlbog Road, to the north of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the following:
- The construction of 318 units, creche & coffee shop and all other associated works.

### 3.2. Development Parameters

Parameter	Site Proposal
Application Site Area	9ha
No. of Units	318 units (158 dwellings & 160 apartments)
Density	35.8uph
Creche / Resident Lounge	320m <sup>2</sup> / 130m <sup>2</sup>

Public Open Space	18.3%
Height	2 to 5 storeys
Car Parking	530 no. cycle spaces and 10 no electric charge points
Bicycle Parking	439 no. bicycle storage spaces

### 3.3. Housing Mix

Units	Number	Percentage
One bedroom	28	8.8%
Two bedrooms	113	35.4%
Three bedrooms	145	45.6%
Four bedrooms	32	10.1%

## 4.0 Planning History

None of relevance.

## 5.0 Relevant Planning History.

### 5.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (EMRA-RSES)

- Dundalk is a regionally important larger settlement (Regional Growth Centre) of which growth is targeted towards.
- Dundalk is on the Eastern Corridor- Dublin to Belfast Economic growth corridor.

### 5.2. Dundalk and Environs Development Plan 2009-2015 (as amended)

The site is located on lands zoned as Residential 2, where it is an objective “*To provide for new residential communities and supporting community facilities subject to the availability of services*”

The site is located in the Development Area- Blackrock/ Haggardstown

- Objective for this development area is to preserve the distinctive character of Blackrock Village, to promote new residential development and prepare a development framework plan for the area.
- Table 5.2 & Policy TR12: Requires the delivery of the Western Road Infrastructure and other road improvements.

#### Variation No 1: Core Strategy

- The Blackrock/Haggardstown area is classified as rank 4 for the purposes of core strategy phasing.
- The site is located on lands designated for Phase 3.
- 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.
- Policy CS4: To require that planning applications for residential development submit a 'Phasing and Implementation Statement' to ensure compliance with the Development Area Objectives of the Dundalk & Environs Development Plan 2009 – 2015.

## **6.0 Section 247 Consultation(s) with Planning Authority**

6.1. The PA have submitted a record of one S247 meeting undertaken via zoom on the 24<sup>th</sup> of September 2020 and the issues raised are summarised below:

- The lands in question are zoned Phase 2 and the CDP is currently under review which will look to recategorize these lands.
- Dundalk is identified in the RSES as having capacity for 50,000 growth.
- Other SHD's in the vicinity are referenced.

- There was a discussion of the potential change to the lands Core Strategy phasing, the potential for dezoning lands and the timeframes for submitting a SHD application.
- The traffic impact along the Dublin Road would be significant. There would be no LIHAF funding made available at present for upgrade works.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

The applicant's Statement of Consistency includes reference to national, regional and local policy and concludes that aside from the height the overall proposal is in compliance with planning policy.

### 7.2. Material Contravention Statement

A Material Contravention Statement accompanied the application in relation to the following:

- Lands are zoned as Residential (Phase 3 in the Core Strategy).
- Policy CS2 of the Dundalk & Environs Development Plan 2009-2015:

*'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.'* (Variation 1 adopted August 2011).

The justification for a grant of permission under S37(2)(b) is considered justified having regard to:

- The proposal is a strategic housing development.
- The quantum of serviced lands required under the RSES and support for the NPF and pillar three of the Action Plan for Housing and Homelessness.
- A conflict between the Core Strategy and the overall development plan objectives which seek to encourage additional population growth.

- The supporting objectives of the NPF and the RSES, and those guidelines in the sustainable residential development guidelines, urban height guidelines and the apartment guidelines.
- Previous grants for SHD applications including ABP-304782-19 (Phase 3), ABP-303253-18 (Phase 2), ABP-303891-19 (Phase 2).

## 8.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the PA for the area in which the proposed development is located, Louth County Council, submitted their opinion in relation to the proposal on the 04<sup>th</sup> of March 2021.

The PA opinion includes a summary of the S.247 meeting, a background on the planning history on the site, the policy background, and interdepartmental reports. The submission is summarised below.

### 8.1. Planning Assessment

#### National Policy

- The proposed development does not provide for consolidation of the town as it is located on the extreme boundary and therefore does not support the sequential development or the policies of the NPF.
- Reference is not provided for the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning.

#### Regional Context

- The site does not comply with the RSES.
- There are more appropriate locations to support the growth allocated in the RSES for Dundalk.
- The Louth County Development Plan 2021-2027 is currently under review.

#### Local Policy

- The site is identified as residential Phase 3 with the objective *“To provide for new residential communities and supporting community facilities subject to the availability of services”*.

- The development is consistent with the zoning objective but not the sequential approach to the role as per the Core Strategy.

#### Core Strategy

- CS2 of the Core Strategy includes the lands as Phase 3- 575 ha/ 20,125 units and 52,325 pop projection.
- The proposed development would represent a material contravention and undermine the principles of the Core Strategy.

#### Draft Louth County Council Development Plan 2021-2027

- Under the draft plan the lands have been rezoned from Residential 2 to Strategic Land Reserve.
- If the proposal is supported by ABP then it would undermine the policies and objectives of the draft plan.

#### Part V

- Discussions with the housing section need to be undertaken.

#### Layout, Density and Height

- The density is 35.3 ha and is acceptable.
- The heights range from 2-3 storeys.
- The suitability of the height should be supported by photomontages.
- The dwellings should provide passive surveillance.
- There is a missed opportunity to provide links between the proposed development and the zoned open space to the east.
- There is a missed opportunity to locate the crèche beside the school.
- The central block of open space is dominated with roads. The proposal should be DMURS compliant.

#### Housing Mix

- The scheme provides a good mix of units.

#### Residential Amenity



- There is a strip of land at the rear of the existing dwellings and there is concern it would be used as waste ground.
- There is not a 22m separation distance to the rear of dwellings.
- The public open space could be better linked with cycle and pedestrian pathways.

#### Access and Transport

- The Marlbog Road is a narrow country road and access is outside the town speed limit.
- The scheme is located 1.5km from the nearest bus stop.
- There is limited scope for connectivity to adjoining lands considering the applicant only has control over the main access.
- There are concerns the proposal would be car dependant due to the distance from a bus stop and railway station.
- A Traffic and Transport Assessment (TTA) should be submitted to assess the impact on the surrounding road network

#### Open Space provision

- The large blocks of open space are appropriate.
- Additional detail is required on the landscape strategy.

#### Audit of Community Facilities

- There are concerns that given the extent of residential development permitted on the southern environs, the schools will not have capacity.
- A childcare demand report should be included along with a proposal to locate the crèche beside the school.

#### Archaeology

- An archaeological assessment should be carried out.

## 8.2. Interdepartmental Reports

8.2.1. Infrastructure Department: Insufficient information has been submitted and request that additional information to be sought on the following:

### Traffic

- The applicant has been requested to submit a TTA to assess the impact on the surrounding road network. This has not been submitted and a full assessment cannot be undertaken.
- The submitted engineering report includes a reference to sightlines. No drawing has been submitted relating to these references (2.4m by 59m by 1.05m).
- A drawing submitted indicating sightlines of 49m has an existing wall to be demolished. There are no legal agreements to demonstrate that this is achievable.
- Legal agreement is required for any works on 3<sup>rd</sup> party lands.
- The applicant shall design the access road in accordance with DMURS.
- The applicant shall submit a Road Safety Audit stage 1 & 2 for the entire development to demonstrate compliance with DMURS.
- The applicant shall submit revised details clearly demonstrating adequate traffic calming provision with the development to achieve an 85<sup>th</sup> percentile speed of 30km/h.

### Flood

- The applicant is requested to submit an FRA to ensure the development is set above the 1 in 200 extreme water level.

### Drainage

- The applicant is requested to submit a comprehensive assessment and design based on SUDS for surface water management.

### Construction

- The applicant shall prepare and submit for agreement a Construction Management Plan.
- A Traffic Management Plan is required for all phases of the development including the Construction Traffic Access.
- The construction traffic should be organised to minimise impact on the school traffic.

#### Other

- Public lighting details to be submitted
- Landscape Masterplan for the development.

#### 8.2.2. Waste Management & Environment Section:

- The detailed design should allow for each parking spot to have ducting to allow for future installation of car charging infrastructure.
- The developer should demonstrate how any multi-unit building will enable each unit to comply with the waste segregation and presentation by laws 2019.
- There should be as much tree planting as possible.

## 9.0 Irish Water

9.1. Irish water has issued a confirmation of feasibility for 318 no. residential units (158 no. houses, 160 no. apartments), creche and associated site works, subject to the following.

#### 9.2. In respect of **Wastewater:**

- This development can connect to the existing 225mm sewer to the north.
- This connection can only be facilitated after pump upgrade works have been completed at the Cocklehill wastewater pump station.
- These works are due to be completed by the end of 2021(Subject to change).

9.3. In respect of **Water**:

- In order to facilitate a connection for the proposed development approximately 400m of new 200mm ID main required to replace the existing 100mm CI main.
- The applicant will be responsible for the costs of delivering this upgrade and responsible for obtaining any consents/permissions which may be required.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 26<sup>th</sup> of May 2021 with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

10.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Core Strategy,
2. Development Strategy,
3. Traffic and Transport,
4. Drainage Issues,
5. Any Other Business.

10.3. In relation to the **Core Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The inclusion of lands within Phase 3 of the Core Strategy.
- The need to justify a material contravention of the development plan having regard to the location of the site and the national and regional policy.
- The proposed change of zoning in the draft Louth County Development Plan from residential to strategic reserve.

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

- The absence of sufficient plans and particulars to provide a full assessment of documentation.
- The layout of the site and the need to comply with DMURS principles.
- The quantum and quality of the open space provision and the need for passive surveillance.
- The design and scale of the neighbourhood centre and crèche in the centre of the site.
- The requirement to provide connectivity between the proposed crèche and the school site.
- The need for the design to address lands the rear of the dwellings along Marlbog Road, currently not within the ownership of the applicant, and the need to prevent any anti-social behaviour.

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

- The requirement for a Traffic and Transport Assessment and the assessment of junctions in the vicinity of the site.
- The potential requirement for the delivery of the Western Infrastructure to serve the site.
- The design of the entrance from Marlbog Road and the sightlines proposed.
- The internal layout, the length and design of the roads and the requirement for compliance with DMURS standards.

10.6. In relation to the **Drainage Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The Irish Water requirement for the upgrade of the Cockhill Pump stations, the works required and the necessity for any consents for the upgrade works.
- The requirement for a detailed SuDS design.
- The information to be presented in a Flood Risk Assessment.

10.7. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The SHD process and the remaining life of the legislation.

## **11.0 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.

## **12.0 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.

### Core Strategy

1. Further consideration and/or justification of the documents as they relate to core strategy and the Dundalk and Environs Development Plan 2009-2015 (as extended). The submitted documentation should address the higher-level planning policy, including *inter alia*, the adopted RSES for the region. The consideration/ justification of documentation should cross reference the appropriate development strategy necessary to comply with national guidance for sustainable residential development. In addition, any references to promotion of development and the circumstances of Dundalk and Environs, including those relating to the availability or otherwise in the town, and surrounding area, of housing, development land, employment, commercial or social services, should be based on verifiable facts. The prospective applicant should satisfy itself that any application complies with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, regarding the material contravention of the provisions of the development plan other than zoning.

### Design and Layout

2. Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the potential for any negative impact on the surrounding environs. The further consideration/ justification should address the proposed design and layout, *inter alia* the location of carparking, the design of the apartments and duplex units, passive surveillance and functionality of open space, compliance with DMURS guidance and interaction with lands along the south outside the applicants ownership. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.

### Traffic and Transport

3. Further consideration and/or justification of the documents as they relate to the traffic and transport provision. The submitted documentation should address the requirements of the Dundalk and Environs 2009-2015 (as extended) and the delivery of the Western Infrastructure. Regard should be given to the submission of a Traffic and transport Assessment, including, *inter alia*, the capacity of the surrounding junctions and the impact of the proposed development on the surrounding road network. Plans and particulars should clearly indicate compliance with the required sightlines from the Marlbog Road, including any third-party consents required for works, and the DUMRS standards for the internal network.

12.1. 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. A Construction Management Plan and Traffic Management Plan.
2. A Flood risk assessment.
3. A Community and Social Infrastructure Audit.
4. A Childcare Demand Report.
5. A Road Safety Audit Stage 1 & 2.
6. A Taking in charge map.
7. Submission of a 'Phasing and Implementation Statement' to ensure compliance with the Development Area Objectives of the Dundalk & Environs Development Plan 2009 – 2015, including, *inter alia*, compliance with Part V.
8. Details of all materials proposed for buildings, open spaces, paved areas, boundary and landscaped areas and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).



9. A response to issues raised by the Infrastructure Department and Environment Section in the Planning Authority Report, received 04<sup>th</sup> of March 2021, relating to the design of the Surface Water Drainage Systems, the public lighting design, a landscape plan which indicates the existing and proposed trees and details of tree/root protection, integration of electric charging and waste management.
10. A response to the issues raised in the Irish Water Submission in relation to the pump upgrade works at the Cockhill wastewater pump station.
11. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018.

**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.

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. The relevant Childcare Committee

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Karen Hamilton  
Senior Planning Inspector

31<sup>st</sup> of May 2021