



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309567-21

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<b>Development</b>	Change single storey house to dormer style dwelling and relocation on site.
<b>Location</b>	Rock Road East, Blackrock, Dundalk, Co Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	20821
<b>Applicant(s)</b>	Niall Halpin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anne & Damian Mundow, Siobhan Whelan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	4 <sup>th</sup> June 2021
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.16ha and is located at Rock Road East, Blackrock. It consists of a backland plot on the west side of the road, situated between two detached properties, and which appears to be used currently as garden space. It is enclosed along east and west site boundaries by concrete post and timber panel fencing and there is a mature hedge along the northern boundary.
- 1.2. Rock Road East is characterised by a mix of traditional and contemporary housing, set on plots of varying sizes. The house to the east is a contemporary, single storey design, whilst the house to the west is a traditional two storey design.

## 2.0 Proposed Development

- 2.1. The development entailed within the public notices comprised a change of house type from that granted under Reg. Ref. 18915, from a single storey to dormer style including relocation within the site. Associated site works are also included.
- 2.2. The proposed house would be of a contemporary design, incorporating a pitched roof with a ridge height of 6.9m and it would be timber clad across all elevations and the roof. It is an essentially rectangular shaped building, c.8.2m wide and c.28m long, with a gross floor area of 322sqm.
- 2.3. The development was amended at the further information stage, in order to address Planning Authority concerns. The proposed amendments included omission of 2 No. rear-facing dormer windows, replaced by 2 No. rear-facing rooflights and an additional dormer window on the front elevation. Boundary treatments and the foul water system were also revised.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority granted permission on 5<sup>th</sup> February 2021, subject to 4 No. planning conditions, which were standard in nature.

### 3.2. Planning Authority Reports

3.2.1. Two Planning Reports were drafted, dated 1<sup>st</sup> December 2020 and 29<sup>th</sup> January 2021, which together reflect the decision to grant permission. The first report stated that the site is zoned Residential 1 in the Dundalk & Environs Development Plan and that the principle of residential development on the site had been established previously. It was stated that the proposed design was of a different form to other houses in the vicinity but, due to the variety of house types in the area, it was considered acceptable. Concerns were expressed regarding impacts on neighbouring properties and it was recommended that additional information should be sought, in relation to the following aspects of the development: -

- a) Revised plans were requested, which should address concerns regarding overbearing and overlooking of neighbouring properties.
- b) Clarification was requested in relation to the type of timber proposed as a finishing material.
- c) The applicant was given an opportunity to address third party concerns regarding rerouting of a foul sewer running through the site.

3.2.2. The second report followed submission of the additional information response. It outlined that the issues raised within the further information request were considered to have been satisfactorily addressed. The report recommended that permission should be granted, subject to 4 No. recommended planning conditions, which were consistent with the Planning Authority's decision.

#### 3.2.3. Other Technical Reports

Reference is made with the Planning Reports to a submission from the **Water Services** department. The Planning Authority has since confirmed that the Water Services department did not make a submission on the application and that the referenced submission was that made by Irish Water.

**Infrastructure** reports dated 20<sup>th</sup> November 2020 and 15<sup>th</sup> January 2021 have been provided, which outlined no objection subject to a number of standard recommended planning conditions.

### 3.3. Prescribed Bodies

- 3.3.1. Irish Water made a submission on 11<sup>th</sup> November 2020, which outlined no objection to the development subject to a number of requested planning conditions. Condition No. 1 advised that a connection to the public sewerage network will be conditioned upon completion of upgrades to the Blackrock sewerage network.

### 3.4. Third Party Observations

- 3.4.1. A number of third party submissions were received, the issues raised within which can be summarised as follows: -
- The application incorporated reconfiguration of drains, to include bends. This was considered likely to lead to future problems.
  - The development was considered to impact on privacy and give rise to overlooking of neighbouring properties as a result of the proposed front and rear-facing dormer windows.
  - Concerns were expressed that the proposed development was materially different to that approved under Reg. Ref. 18915.

## 4.0 Planning History

18915 - Permission granted on 4<sup>th</sup> February 2019 for a single storey house.

### Relevant Nearby Planning History

18243 - *Lands to the west of the original curtilage*: Permission granted on 20<sup>th</sup> August 2018 for a house. Permission was subsequently granted, under Reg. Ref. 19337, for a change of house type.

1395 - *Lands to the east of the original curtilage*: Permission granted on 5<sup>th</sup> December 2013 for a special needs retirement bungalow.

## 5.0 Policy Context

### 5.1. Ministerial Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

5.1.1. The Guidelines advise that development in smaller towns and villages should be plan-led and that new development should contribute to a compact urban form. They also set out key planning principles to guide the preparation and assessment of planning applications and advise that, in small towns and villages, the primary consideration is that new development should relate successfully to structure of the town or village. A number of design criteria are outlined, against which to consider such proposals. Such developments should:

- *'make the most effective use of the site, having regard to the criteria outlined below;*
- *make a positive contribution to its surroundings and take the best advantage of its location through the use of site topography, i.e. levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability;*
- *have a sense of identity and place appropriate to the character of the existing small town or village and a logical hierarchy of places within the scheme working from streets to semi-private and private areas;*
- *provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and*
- *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.'*

## 5.2. National Planning Framework

5.2.1. National Policy Objective 11: *'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'*

### 5.3. Development Plan

- 5.3.1. Section 2.16.4 of the Louth County Development Plan 2015-2021 outlines that the Dundalk & Environs Development Plan 2009-2015 remains the operative development plan for the area and that the county development plan is an overarching plan for the entire county, including Dundalk.
- 5.3.2. The site is zoned 'Residential 1' under the Dundalk and Environs Development Plan, with an objective '*To protect and improve existing residential amenities and to provide for infill and new residential developments.*'
- 5.3.3. Section 6.6.7 relates to infill/backland sites, providing guidance in relation to density, design and scale, access, materials and form and open space. It advises that development on these sites should match existing surrounding development in terms of design, scale, height and the building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.

### 5.4. Natural Heritage Designations

- 5.4.1. The site is not located within or adjacent to any Natura 2000 sites, the nearest designated sites being the Dundalk Bay Special Protection Area (Site Code 004026) and Special Area of Conservation (Site Code 000455), which area located c. 100m to the east.

### 5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

5.5.3. The subject development is a change of house type from a single storey to dormer style house, together with relocation within the site. The development falls well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.16ha and is located within an existing built up area that does not qualify as a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is in a residential neighbourhood, which is characterised by a mix of traditional and contemporary detached housing on plots of varying size. The proposed development of 1 house will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed later in this report) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site /or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Louth County Council, upon which its effects would be marginal.

5.5.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned 'Residential 1', where residential uses are permissible under the Dundalk & Environs Development Plan 2009-2015,
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.5.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. Separate third party appeals have been lodged by Anne & Damian Mundow and Siobhan Whelan. The issues raised within each can be summarised as follows: -

#### Appeal by Anne & Damian Mundow

- Overlooking and loss of privacy
  - A preference is expressed for the proposed arrangement of rooflights across the rear roof plane, rather than previously proposed dormer windows. It is requested that the dimensions of the rooflights and the height above the first floor level should be confirmed.
  - It is suggested that the applicant is seeking to relocate the approved house on the site, in order to address the concerns of one neighbour.
  - The arrangement of the gable wall of the house and the proposed boundary treatment would be very imposing.
- Foul Sewer
  - The proposed development creates a meandering mainline sewer with a hairpin bend and several other bends, which is considered likely to present difficulties in the future, given the sewer serves 5 houses in total.



- The applicant is seeking to build over the existing sewer line and concerns are expressed that it will fail in the future.
- Concerns are expressed that the foul sewer, which has operated without issue, will develop problems due to the increased volume of waste to be accommodated and the complex underground layout proposed by the applicant. It is questioned why the applicant has incorporated fallback/backup manhole access points.
- There is no in-principle objection to residential development on the site, but the appellant expected to be notified of the further information response submission, since that information related directly to the issues which form the basis of their objection. The minor revisions proposed at the further information stage do not address the concerns of either of the third party objectors.
- The Board is requested to refuse permission for the development.

Appeal by Siobhan Whelan

- The proposed development is very close to the east facing front boundary of the appellant's property, with a dormer window 11m from an east facing window within the appellant's master bedroom. Concerns are expressed regarding loss of privacy and overbearing impacts.
- The development incorporates reconfiguration of drains, to include several bends in close proximity to each other. This may lead to future problems. The system serves a number of houses.

### 6.3. Applicant Response

6.3.1. A response to the appeal was received on 1<sup>st</sup> April 2021, which responds to both of the third party appeals. The contents of the response can be summarised as follows:

-

Appeal by Anne & Damien Mundow

- Overlooking and loss of privacy
  - Concerns regarding overlooking and loss of privacy were addressed by amendments to the development. 2 dormer windows were removed and

replaced by velux windows. The position of the velux windows is to benefit the appellant's privacy.

- Overlooking identified by the appellant is of the front of their property. There is no loss of privacy within their home or impact on daylight and sunlight.
- Commitments given to the appellant by third parties have no merit.
- Eastern boundary
  - Concerns expressed during the FI were addressed. The house was moved 2m from the appellant's boundary.
  - The house will be built to aim for passive energy output. The timber cladding will weather to a natural grey colour and will be less noticeable than a house built with brick and concrete.
  - The applicant was not the applicant for application Reg. Ref. 19/337 on the site and has no proprietary interest in that site.
  - Reference is made to supports within the NPF and the development plan for the development of infill and brownfield sites. The subject site is an infill site.
  - The development will allow an extended family nucleus where 3 generations will be living side by side.
- Sewer
  - The foul sewer serving the appellant's property traverses the applicant's property. The development does not interfere with the alignment of the sewer. Measures will be put in place to protect it from damage. A new foul sewer line is proposed to the perimeter of the house, in the event of a temporary diversion during the construction phase. Drainage works will comply with current regulations and standards. Irish Water and Louth County Council did not object to the development.

Appeal by Siobhan Whelan

- The finished floor level of the neighbouring property is several metres higher than the proposed floor level and, as such, any concerns regarding overlooking lie with the applicant.

- Glazing within the front facing dormer window will be set back into the frame rather than flush and will not reasonably allow for overlooking of the neighbouring property.
- There are several mature trees between properties that will be retained for privacy and which will benefit the neighbouring property.

#### **6.4. Planning Authority Response**

6.4.1. A submission was received from the Planning Authority on 1<sup>st</sup> April 2021, the contents of which can be summarised as follows: -

- The principle of development on the site was established under Reg. Ref. 18/915. The proposed development is a change of house type.
- The angle of the proposed velux windows should serve to prevent overlooking of neighbouring properties. The development will not give rise to any unacceptable loss of privacy.
- The issue of a private sewer crossing private lands is a civil matter. Irish Water and the Water Services department were consulted on the application and neither party objected to the development.
- Regarding the appellant's concerns that they were not notified of the application, amendments proposed as part of the additional information response were of a minor nature and revised public notices and further public consultation were not required.
- The proposed development is considered to be acceptable.

#### **6.5. Observations**

6.5.1. None received.

#### **6.6. Further Responses**

6.6.1. None received.

## 7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of development;
- Residential amenity;
- Impact on neighbouring properties;
- Drainage;
- Appropriate Assessment.

### 7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'Residential 1' zoning, under the Dundalk & Environs Development Plan 2009-2015, under which residential development is permitted in principle and it is also consistent with NPF National Policy Objective 11. I would also note that permission has previously been granted for a single storey house on the site.

### 7.3. Residential Amenity

7.3.1. The proposed house has a gross floor area of 322sqm, split over three levels. The main living space is at ground floor level, whilst there are 3 bedrooms at first floor level (1 en-suite) and a bathroom at first floor level and a storage room at basement level. The internal layout, in particular the combined living space and bedrooms, is adequately sized, in accordance with the recommendations of the *Quality Housing for Sustainable Communities* (2007) guidelines as referenced by the development plan.

7.3.2. Regarding daylight/sunlight levels within the house, no assessment was provided as part of the application; however, given the level of separation from adjacent houses, I am satisfied that the house would receive adequate daylight/sunlight, in accordance with the recommendations of *Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice* (BRE, 2011), which the development plan outlines should be followed by new housing developments. The main living space is dual aspect, including a south-facing aspect, and each of the bedrooms has a south facing aspect.

7.3.3. The quantum of open space incorporated is not stated on the application drawings but I am satisfied that it exceeds the minimum development plan requirement of 80sqm for a suburban location. In terms of its quality, as the space is to the front of the house it is likely to experience an element of reduced privacy but I do not consider that this is such, that a refusal of permission would be justified. The access to the west-adjointing house routes close to the garden space but potential overlooking can be mitigated by appropriate landscaping. The site layout drawing provided at the additional information stage also identified that the primary amenity space immediately in front of the house would itself be enclosed by landscaping. Should the Board be minded to grant permission, I would recommend a condition requiring landscaping proposals and boundary treatments to be agreed with the Planning Authority prior to the commencement of development.

#### **7.4. Impact on Neighbouring Properties**

7.4.1. The proposed house was revised at the additional information stage and now incorporates three front-facing dormer windows at first floor level. There are no rear-facing dormer windows, with 5 No. rooflights now proposed. A key issue for both appellants was loss of privacy and overlooking arising from the development.

7.4.2. The dormer windows are oriented toward the south and they do not directly address the neighbouring properties, so direct overlooking will not arise. Any potential angled views toward the neighbouring properties would be restricted and would not be likely to overlook the primary private amenity areas for these properties. The applicant states that glazing within the dormer windows will be set back into the frame rather than flush, which would further impede any potential angled views. Also, in the case of the west-adjointing property, which is situated in front of the proposed house, the main garden area for the house is situated to the rear. In summary, I am satisfied that no direct or unacceptable overlooking of neighbouring properties would arise.

7.4.3. Regarding the rear-facing rooflights, the site section drawing indicates that they would be c.2.25m above first floor level. They are also angled toward the sky. I am satisfied that this arrangement will mitigate against potential overlooking of the north-adjointing property.

7.4.4. Regarding loss of privacy more generally, subject to the incorporation of appropriate boundary treatments I do not consider the issue arises.

- 7.4.5. Overshadowing and overbearance issues do not arise, in view of the limited height of the proposed house and the level of separation for adjacent houses. Whilst some limited shadow may be cast onto the east and west-adjoining properties, in mornings and evenings, the extent of such shadow would be minor. In the case of the west-adjoining property, any such shadow would affect a small portion of the front garden area and in the case of the east-adjoining property potential shadow would be confined to the north end of the property, in an area where the application drawings provided with application Reg. Ref. 1395 indicate that the house contains no windows.
- 7.4.6. One of the appellants expressed concerns that the Planning Authority did not notify them of the amendments proposed as part of the additional information response. Whilst I note the concern, the issue of significant information, in the context of an additional information response, is a matter for the Planning Authority.

## **7.5. Drainage**

- 7.5.1. The appellants have expressed concerns that the development, which incorporates a diversion of the existing foul sewer line, may lead to problems with the foul drainage system in the future.
- 7.5.2. The site layout drawing indicates that the existing sewer line would be diverted, adjacent to the north site boundary, thereafter routeing around the house before reconnecting in front of the house. The applicant also states that the existing sewer line will be retained, as a backup/fallback option.
- 7.5.3. The Building Regulations Technical Document H (Drainage and Waste Water Disposal) advises that underground pipes should be laid in straight lines where practicable and that any bends should be limited to positions in or close to inspection chambers or manholes. Bends should have as large a radius as practicable. In this instance the proposed diversion involves a number of bends, which are each close to a manhole. Potential blockage points are therefore accessible. Irish Water has not objected to the development but has requested a condition which requires any proposals for diversion to be submitted for its written approval. I am satisfied that proposed foul drainage arrangements are acceptable and that the detailed layout can be controlled by condition, to be agreed prior to the commencement of development. Should the Board be minded to grant permission, I would recommend

that a condition be attached requiring the layout of the foul drainage network be agreed with the Planning Authority and Irish Water.

- 7.5.4. Irish Water advised in its submission that a connection to the public foul network will be conditioned upon completion of upgrades to the Blackrock WWTP. The submission also advised that there is a Capital Investment Plan (CIP) programme in place to deliver such upgrades. As such, I am satisfied that there is a reasonable prospect of a connection being provided to the public network and that this can be agreed with Irish Water, controlled by condition.

## 7.6. **Appropriate Assessment**

### Appropriate Assessment Screening

#### *Compliance with Article 6(3) of the Habitats Directive*

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### *Background on the Application*

- 7.6.2. A screening report for Appropriate Assessment was not submitted with this application/ appeal case. Therefore, this screening assessment has been carried de-novo.

#### *Screening for Appropriate Assessment- Test of likely significant effects*

- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

- 7.6.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

#### *Brief description of the development*

- 7.6.5. The development is summarised at Section 2 of this Report. In summary, permission is sought for a change of house type from that granted under Reg. Ref. 18915, from a single storey to dormer style dwelling, including relocation within the site and

associated site works. The site has a stated area of 0.16ha and it consists of a backland plot, situated between two detached properties, which appears to be used currently as garden space. The site is served by the public water and foul water networks. Foul drainage is proposed to drain to the public network, with a diversion of the pipe route through the site proposed. Surface water is proposed to drain via infiltration, with soakaways located within the front garden.

7.6.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, I consider the following impact mechanisms require examination:

**Construction phase**

- Disturbance of species of qualifying interests within SPA site due to disturbance associated with construction activities (noise, vibration, lighting, etc).
- Impact on water quality within the SAC arising from discharges from the site during construction work.
- Loss of ex-situ habitat utilised by species of qualifying interest within SPA site.

*Submissions and Observations*

7.6.7. The submissions from the applicant and the Planning Authority are summarised as Section 6 of this Report. No submissions were received from prescribed bodies or third parties.

*European Sites*

7.6.8. The development site is not located in or immediately adjacent to a European site. The closest European sites are Dundalk Bay Special Protection Area (Site Code 004026) and Special Area of Conservation (Site Code 000455), which area located c. 100m to the east.

7.6.9. There is no hydrological connection between the subject site and the European sites.

<b>European Site (code)</b>	<b>List of Qualifying interest /Special conservation Interest</b>	<b>Distance from proposed development (Km)</b>	<b>Connections (source, pathway receptor)</b>



Dundalk Bay SPA (Site Code 004026)	Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Herring Gull, Wetland and Waterbirds.	0.1	No
Dundalk Bay SAC (Site Code 000455)	Estuaries, Mudflats and sandflats not covered by seawater at low tide, perennial vegetation of stony banks, salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows.	0.1	No

*Construction phase impacts*

7.6.10. Regarding potential disturbance of qualifying interests within the SPA, the potential for such impacts is low, given the level of built form in the intervening area between the sites, including a number of residential properties. Qualifying interests are likely to already experience and be habituated to a degree of disturbance associated with domestic activities in the area. The proposed development also does not require specialist construction methods. I am satisfied that the potential for likely significant effects on qualifying interests within the SPA can be excluded.

7.6.11. Regarding potential discharges, I would also consider the risk is low, given the level of built form in the intervening area between the sites, including a number of

residential properties. Any such potential discharge from the site is likely to be smallscale and I consider the likelihood of any such discharge being transferred to the European site is low. Indeed, in the event that a discharge from the site was transferred to the European sites, the quantity is unlikely to be of such a scale that significant effects would arise. I am satisfied that the potential for likely significant effects on qualifying interests within the SAC can be excluded.

7.6.12. Regarding the potential for loss of suitable ex-situ habitat, the SPA is designated for waterbird populations and their wetland habitat. The subject site does not contain any wetland habitat, instead containing maintained grasses and domestic-scale landscaping. The likelihood that the site is of value to qualifying interests is low and, in any case, even if it were of limited value, it is unlikely that its loss would have a significant effect on the qualifying interests. I am therefore satisfied that the potential for likely significant effects on qualifying interests within the SPA can be excluded.

*Mitigation measures*

7.6.13. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

*Screening Determination*

7.6.14. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 004026 or 000455, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.6.15. This determination is based on the following:

- The absence of any identified hydrological connections between the subject site and the European sites.
- The smallscale nature of the development, which does not require specialist construction methods.
- The presence of built form in the intervening area between the subject site and the European sites, including a number of residential properties.

- The absence of any ex-situ wetland habitat for qualifying interests within the European site.

## 8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the 'Residential 1' zoning which applies to the site under the Dundalk & Environs Development Plan 2009-2015, under which residential development is permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would represent an appropriate form of development, which would not be seriously injurious to the amenities of residential property in the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 13<sup>th</sup> October 2020, as amended by further information submitted on 11<sup>th</sup> January 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, which shall incorporate SUDS measures, shall comply with the requirements of the planning authority for</p>

	<p>such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Any proposal to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details regarding landscaping and boundary treatments for the site, which shall include privacy protection measures, shall be agreed with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
6.	<p>The proposed access to the site shall comply with the requirements of the planning authority, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of road and traffic safety.</p>
7.	<p>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.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
8.	<p>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.</p>

	<p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Barry O'Donnell  
 Planning Inspector

7<sup>th</sup> July 2021