



An
Bord
Pleanála

Inspector's Report ABP-310345-21

Development	Construction of 35 no. houses
Location	Main Street, Dunleer, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20707
Applicant(s)	Bellscape Ltd
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	First and Third Party
Appellant(s)	Bellscape, Gerard Connor..
Observer(s)	John Sweeney, An Taisce.
Date of Site Inspection	2 nd September 2021.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 3.08ha appeal site is located on Upper Main Street/Drogheda Road (R132), Dunleer, Co. Louth. The town lies c.1km to the east of the M1, mid-way between Junction 12 and Junction 13. It is c.14km north of Drogheda.
- 1.2. The town core lies north of the site and includes a mix of retail and service outlets along Main Street. The appeal site lies on the eastern side of the R132, between the regional road and White River. It comprises a broadly rectangular agricultural field that falls sharply to the east, towards the river. To the south is a laneway, Mill Lane, which leads to a riverside mill, White River Mill complex, a Protected Structure. On the northern part of the site is a Recorded Monument, a motte (RMP No. LH019-06408). The northern part of the appeal site also lies partially within the zone of archaeological potential around Dunleer Town.
- 1.3. To the west of the R132 are detached dwellings setback from the public road by a broadly similar building line. Two residential developments lie to the rear of these properties, including the Woodland and Riverdale developments.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of significant further information (8th April 2021) comprises 35 dwellings, 13 no. houses and 22 no. apartments. The residential buildings are sited to the west of the site, fronting the R132, and to the south of the Recorded Monument. It is separated from the development by a 35m buffer zone. A riverside park is indicated to the east of the dwellings (Landscape Layouts, drawing no. 20120_LP_01). Except for a 2m wide footpath within the park, it does not form part of the planning application.
- 2.2. The proposed houses comprise a mix of detached, semi-detached and terraced units. These are located to the south of the site and are arranged to face the regional road and internal estate roads to the north and east of the dwellings. Four of the detached dwellings face the regional road and are accessed directly from it. Four semi-detached and one detached unit face the proposed riverside park. Four terraced units face the apartment block to the north. They are separated from the apartments by an area of landscaped open space, which also provides public access

from the regional road to the riverside park. To accommodate changes in levels across the site, modest retaining walls are proposed within the residential development. These comprises a mix of type 1 and type 2 walls, providing a change in levels of 0.5m and 1.0m respectively (Proposed Retaining Wall Locations & Details, drawing no. P250, Rev A). The apartments are located to the north of the housing units in a single block, and are a mix of one and two bedroom units. At ground floor internal bin storage, bicycle storage and ancillary storage areas are provided for each apartment. Externally the development is finished in a mix of brick and render with blue black roof tile/ slate effect tile or metal panel roof.

2.3. Access to the site is from the regional road via a new entrance to the south of the Recorded Monument. A total of 49 car parking spaces are provided, either within the curtilage of housing units or in blocks serving the apartments or terraced properties. Surface water management includes SuDS features, comprising permeable paving and grass swales in landscaped open space, and a hydrobrake attenuation tank, with petrol interceptor, with final discharge to White River.

2.4. The planning application includes:

- Design statement.
- Flood risk assessment.
- Outline construction management plan.
- Engineering assessment report and drawings.
- Archaeological assessment.
- Appropriate assessment screening report.
- Bat survey.
- Otter survey.
- Bio-diversity plan.
- Landscape plan.
- Public lighting report.
- Conservation and Management Plan for Motte feature.
- Building Lifecycle Report for apartments.
- Ecoweed Control report for management of Japanese Knotweed.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 30th of April 2021 the planning authority decided to grant permission for the development subject to 22 no. conditions. These include:

- C2 – Requires implementation of landscaping plan in first planting season following commencement of development, design details of riverside path to northern boundary of site and around the Motte to be agreed with planning authority, completion of landscaping in advance of sale of residential units and retention of landscape architect throughout site development works.
- C3 – Requires resurvey of site for Japanese Knotweed and eradication in line with measures set out in Ecoweed Control report.
- C9 – Requires implementation of all archaeological recommendations and mitigation measures, monitoring of all works by suitably qualified archaeologist, works to cease on site if archaeological material is found (pending decision on how best to go forward) and reporting to National Monuments Service and planning authority on results of monitoring.
- C17 – Requires payment of a development charge. This includes payment of €117,600 in respect of Class 1 Infrastructure and €33,600 in respect of Class 2 Amenity.
- C22 – Sets out engineering requirements, including construction of Ballylusk dust path and public lighting.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 28th October 2020 – Refers to the planning history of the site, relevant national and local planning policies and the submissions made. It considers the development to be acceptable in principle, having regard to the zoning of the site and its phase 1 status, and in terms proposed density, consistency with urban design guidelines, private open space and flood risk. The report recommends further information in respect of how the development meets

LAP requirements for a Riverside Amenity Park, provides for the protection and enhancement of the motte, addresses the sharp change in elevation in the apartment block along Drogheda Road, provides appropriate entrances to apartment bin and bicycle storage areas, details of retaining walls, discrepancy in landscape details/architects design statement, storage and building lifecycle report for apartments, infrastructure requirements (below) and proposals for treatment of Japanese Knotweed.

- 5th May 2021 – Considers that the matters raised in the FI have been adequately addressed. Recommends granting permission for the development subject to conditions. Subsequent report (27th April 2021) recommends granting permission subject to conditions, including that the applicant extend and construct the riverside walk to the site boundaries, subject to archaeological testing.

3.2.2. Other Technical Reports

- Infrastructure Planning (19th October 2020) – Recommends further information regarding extension of riverside walk to northern boundary of site and detailed design of visibility splays, roads, paths, swale and public lighting.

3.3. Prescribed Bodies

- Inland Fisheries Ireland (13th October 2020) – Refers to White River and its value as a salmonid spawning and nursery habitat, supporting stocks of salmon, trout and European eel. Recommends that there is sufficient capacity in the Dunleer wastewater treatment plant to receive and treat waste from the development, adequate surface water management to ensure no degradation of receiving waters, appropriate mitigation measures during construction and consultation regarding design of walkway. No further comments in response to FI (21st April 2021).
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (16th October 2020) – Recommendations of bat and otter surveys should be implemented, re-survey of Japanese Knotweed and suitable management plan for its eradication be put in place prior to development.

- Development Applications Unit (20th October 2020) – Recommends (a) applicant engage suitably qualified archaeologist to oversee implementation of archaeological mitigation measures in Archaeological Assessment Report and (b) archaeologist draw up a schedule of archaeological mitigation proposals to be agreed with the planning authority and the National Monuments Service in advance of works.
- Irish Water (13th October 2020) – Reported in Planning Report (29th April 2020), no objections.

3.4. Third Party Observations

3.4.1. Third party observations on the planning application and further information raise the following concerns:

- Important open space in village. Inappropriately zoned for residential development in Local Area Plan. Topography of site is unsuitable for residential development. Loss of grass bank and mature hedgerow with degradation of village landscape.
- Apartments out of character with existing development, inappropriate to rural fringe and proximity to historic monument. Apartments would overlook valley and be visually obtrusive and impact on natural beauty of the area.
- Site comprises an important heritage site, 'Moate field', containing motte, ring for,/souterrain historic well and risk of loss of other unknown archaeological material within the site.
- Precedent set by planning history of site (PL15.116681, 15.230464, 15.218106 and ABP15.302779).
- Contrary to Dunleer LAP 2017-2023 (protection of archaeology, green infrastructure, White River). Inconsistent with visions of the town expressed since 1998, 'Building Sensitively and Sustainably in County Louth' and 'Village Design Guidelines'.
- Car dependent nature of the development (Dunleer train station not reopened). No energy efficiency details provided.

- Lands close to village centre/existing lands in housing areas (Woodlands housing estate) should be developed first.
- Impact of development on setting of White River Mill. Impact on White River and future recreational opportunities associated with protected structure.
- Traffic hazard due to number of units proposed, location volume and speed of traffic passing through village, proximity of access road to other junctions serving school, factory and housing development.
- Impact on wildlife (salmon in White River, heron, buzzard, otter, rabbit, fox, pheasants, bats, cormorant, kingfisher, hirundine, grouse, crane).
- Substandard open space provision given steep slope. Danger of locating development near river which is prone to flooding (personal safety).
- Overlooking of properties.

4.0 Planning History

- PA ref. 05/1627 (PL15.218106) – Permission refused by the Board for 26 houses on the grounds that (1) street frontage terrace of dwellings would be out character with surrounding development, visually obtrusive, excessively close to road and would provide a discordant entrance to the village, (2) due to excessive ridge height and orientation of property, development would be visually obtrusive in western views of the site from public open space, and (3) provision of substandard of communal and private open space on eastern boundary of the site (steeply sloping site).
- PA ref. 18/360 (ABP-302779) – Permission refused by the Board for 26 houses on the grounds that the development, by virtue of its design, layout and orientation, encroached onto the setting of the archaeological monument on site and turns its back onto the amenity park, would provide a poor standard of development at the strategically located lands in direct conflict with policies of the LAP.
- PA ref. 19/212 (ABP-305231) - Permission refused by the Board for 26 houses on the grounds that the development, by virtue of its predominantly suburban design and layout, including the proposed aspect to the R132,

would provide a poor standard of development on the strategically located lands on a sensitive site at the entry point to Dunleer Town and would be contrary to section 2.4.3 of the LAP which seeks a high quality residential development on the site.

5.0 Policy Context

5.1. National Guidelines

- National Planning Framework, 2018.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual – A Best Practice Guide, 2009.
- Sustainable Urban Housing: Design Standards for New Apartments, 2020.

5.2. Louth County Development Plan 2015 to 2021.

- 5.2.1. Dunleer is identified as a Level 2 Settlement and Moderate Sustainable Growth Town in the current **Louth 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 position in the hierarchy and the availability of public services and facilities. Policy SS 8 deals specifically with Dunleer and 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’*.
- 5.2.2. Guidelines for residential development are set out in Chapter 4 of the Plan. These include guidelines on density and public open space. For towns and villages where the population is less than 5,000 (Dunleer has a stated population of 1786), target densities of 30 units/ha in centrally located sites and 20-30 units/ha in edge of centre sites are required. In section 4.9.3.2, quantitative standards for public open space require 15% of gross site area to be provided as public open space. However, it is stated 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’.

- 5.2.3. Currently the CDP is being reviewed. In the draft Plan the appeal site remains zoned for a mix of residential and open space uses. In response to the submissions made on the draft Plan, material alterations include zoning of the site as a whole to open space use only. However, the Chief Executive’s recommendation is that the alteration is not included as a Material Alteration to the Draft Plan and the zoning reverts back to A2 New Residential Development Phase 1. The Chief Executive’s response includes that rezoning will not increase overall quantum of lands zoned for residential lands in Dunleer, site is in proximity to town centre and walking distance of schools etc., its development would contribute to compact development, Land Evaluation and Infrastructure Assessment identified the lands as a *‘more optimal location for development’*, objective of LAP to provide a Riverside Amenity Park in conjunction with high quality low density housing on subject lands with benefit to wider area, history of applications for development and current appeal with the Board (see attachments).
- 5.2.4. The **Dunleer LAP 2017 to 2023** sets out a strategy for the planned and sustainable development of Dunleer town. In its description of the town it identifies White River as a natural asset flowing through the town which is currently underutilised and states *‘the potential exists for the development of both a riverside walk and pathway to serve all the people of the town....and ...provide for an area of high visual quality and tranquillity to serve as recreational amenity and piece of green infrastructure’*.
- 5.2.5. The vision for the town is *‘to provide for sustainable growth of local employment, economic development, transportation, housing and services for both the town and its hinterland and to strengthen within a consolidated urban form, these interdependent land usesproviding for best practice in urban design principles and sustainable energy while protecting natural and man-made assets’*.
- 5.2.6. In Map 5.1, Land Use Zoning Map, the appeal site is identified in part for residential development (roadside and south of Motte) and in part for open space, amenity and recreation (riverside). In section 2.4.3 it is stated that the Phase 1 residential zoned lands are identified for high quality, low density residential development in

accordance with the requirements of section 6.4.3 of the Plan (NB no section 6.4.3 in plan, instead 6.3.3). This section states that it is an objective to develop a riverside amenity park at these lands, 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.

5.2.7. Policies CFA 5 and 6 support the development of open spaces, public parks and riverside walks in the town.

5.2.8. In Map 5.6, White River Mill is identified as a Protected Structure and the Motte to the north of the appeal site as a Recorded Monument. A zone of archaeological potential is indicated in Map 5.5 around Dunleer town, this extends across the northern part of the appeal site (see attachments).

5.3. Chapter 3 deals with natural and built heritage and 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.

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

5.5. Natural Heritage Designations

- 5.5.1. The appeal site is removed from sites of natural heritage interest. The nearest national site comprises Barmeath Wood, a proposed Natural Heritage Area c.2.5km to the east of the appeal site. The nearest European sites are Stabannan-Branganstown Special Protection Area (SPA) and Dundalk Bay SPA and Special Area of Conservation (SAC) c.7km to the north west and north of the appeal site respectively (see attachments).

5.6. EIA Screening

- 5.7. The proposed development is of a type that falls within Part 2 of the Schedule 5 of the Planning and Development Regulations 2001 (as amended), Class 10 Infrastructure projects, construction of dwelling units. However, it falls well below the threshold value for development that would trigger EIA (500 units) and, by virtue of the type of land use proposed, will not involve the use of significant natural resources or the production of significant waste, pollution or nuisances. Furthermore, the development would be located within an existing settlement and integrated with existing services. Having regard to the above, I consider that there is therefore 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

- 6.1.1. There are two appeals in respect of the proposed development made by the first party and a third party. The first party appeals condition nos. 2 and part of no. 17 of the permission. Grounds are:

- Condition no. 2 effectively requires the applicant to construct a large 'public' park with a reach and function beyond the development itself '*prior to the sale of any dwelling*'.

- Condition no. 17 requires payment of a development charge of €33,600 towards recreational and amenity facilities under section 48.
- It is unfair and unreasonable to expect the applicant to fund the development of a large scale 'public park' that will benefit the wider area, in addition to the development itself and to levy additional contributions towards the provision of recreational and amenity infrastructure under section 48.

6.1.2. The applicant therefore seeks the omission of condition no. 2.

6.1.3. The third party appeal sets out the following grounds:

- **Material contravention of Dunleer LAP 2003-2009.** Inappropriate zoning of the site given its sensitivity, archaeology and heritage value, which has been acknowledged in previous applications/appeals and Murray O'Laoire Draft Plan 2003. Development conflicts with modest nature of development proposed on the site in the 1996 urban Design Study.
- **Further information request and response.** No provision of Riverside Amenity Park in development. Lack of compliance with first item of FI request and section 6.3.3 of the Dunleer LAP (provision of riverside park). Outdated survey on Japanese Knotweed.
- **Phasing.** Development does not comply with phasing strategy (CS2) and is brought forward in advance of more centrally located sites (sites 1 and 2, Map 4.1 and Map No. 5.3, Dunleer LAP).
- **Density and urban design.** Density is in excess of the '*low density residential development*' indicated for the site in Dunleer LAP and exceeds that of development previously refused on the site. Development is isolated from the village. Inadequate provision of public open space. Apartment development inconsistent with development pattern in town and not conducive with quality rural village living at the location. Questionable demand for level of apartments, in particular with greater working from home/demand for reasonable living space. The design disregards the sensitive rural location of the site and open agrarian riverside landscape and approach to village.
- **Recreational amenity.** Impact of development on potential to develop White River Mill complex as a regional heritage and recreational resource and

unspoilt agrarian landscape centred on White River as it meanders through village.

- **Planning history.** Permission refused by the Board for previous residential developments (ABP-305231, 302779, 15.218106). Between 2005 and 2008 four other planning applications for residential development on the site were withdrawn.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- Appeal is vexatious and should be dismissed. Single appellant, development consistent with zoning of the site and matters raised have been addressed in previous appeals. Otherwise appeal should be confined to the single issue of reason for refusal under ABP-305231 and prioritised (to increase housing supply).
- Current application addresses the reasons for refusal under ABP-305231. The proposed development represents a significant change of approach to previous proposals in terms of typology, design, layout and orientation of dwellings relative to public road and public park.
- The principle of the development on the site and consistency with zoning objectives has been repeatedly confirmed in previous applications by the planning authority and the Board. Amenity and heritage value of the site is acknowledged in the current LAP and in the technical reports by the applicant, each of which conclude that there will be no significant impact on the bio-diversity or archaeology of the area. The zoning of the site is maintained in the current Draft County Development Plan (page 21 of appeal). Note submission in draft Development Plan to de-zone the appeal site (c.0.9ha) from A2 Residential to H1 Open Space. This would be inconsistent with decision to grant permission, results of Tiered Settlement Analysis and Land Use Evaluation undertaken at Draft Plan stage, absence of comments on residential zoning in Draft Plan by Office of Planning Regulator and support of Chief Executive in respect of original residential zoning.

- The appeal site is identified as Phase 1 lands in the LAP, for development over the lifetime of the Plan.
- All archaeological matters relating to the Mott and its relationship with the subject lands have been fully addressed to the satisfaction of the planning authority, the Board and the Development Applications Unit following archaeological investigation of the site and surrounding area in 2014 and 2018. The Conservation Management Plan for the Motte includes the full suite of mitigation measures previously approved by the DAU.
- The development provides a looped gravelled path on lands to the east of the housing area and opens up the lands as a recreational area with links to Main Street, a significant planning gain for the Town and consistent with recreational/amenity objectives of the LAP.
- The residential area forms c.23% of the application lands. The Park will serve the town as a whole. It is unreasonable for the full cost/responsibility of providing the Riverside Park to be placed on the applicant. The landscape plan demonstrates how the park could be developed and the applicant's commitment to it. A high level of public open space is also provided within the development at a level which was deemed to be acceptable in recent previous applications (ABP 305231) and is appropriate having regard to the site's town centre location and proximity to proposed major public park.
- The applicant is aware of Japanese Knotweed on the site and remediation works are ongoing to remove it.
- There is no policy in the Dunleer LAP to develop a regional heritage park incorporating White River Mill complex. The development, which provides a riverside walk, is consistent with section 5.5 of the Plan which highlights the potential for developing the White River as a tourist attraction in conjunction with a riverside walk and park.
- There is no provision in planning law that precludes the development of a site where there has been a history of refusal.
- The proposed development complies with national planning policy and local planning policy.

6.3. Planning Authority Response

6.3.1. The planning authority make the following comments on the appeal:

- Condition no. 2 – It is an objective of Dunleer LAP to develop Riverside Amenity Park. Section 6.3.3. of the Plan includes detailed design criteria. Policy CFA 5 and CFA 6 support and promote the development of open spaces, public parks and riverside walks as identified on the Objectives Map 5.6. Compliance is to be achieved by minimal and cost efficient works and interventions (layout of park, planting scheme, low key maintenance of area surrounding motte). Play area, conditioned, provides specifically for amenities of future residents, location and scale is commensurate with scale of development. The absence of open space provision would make realisation of objectives in CDP more difficult. PA would have refused permission for development if park lands not included in application.
- Condition no. 17 – Consider that the development contribution scheme has been properly applied.
- Third party appeal – Matters raised were addressed in Planning reports (28th October 2020, 28th April 2021).

6.4. Observations

6.4.1. Two observations are made on the appeal, one by a third party (owner of Mill House) and one by An Taisce. The following additional matters are raised in these observations:

- Cosmetic changes from earlier versions of development. Archaeological Conservation Plan welcomed but no commitment to Riverside Amenity Park.
- Development conflicts with core strategy of the Dunleer LAP which facilitates growth of the village commensurate with growth in economic activity, public transport and capacity in water services. Reopening of Dunleer train station unlikely. Development likely to be car dependent which is discouraged in National Planning Framework and 2019 Climate Action Plan. Development is relatively isolated from main village centre. Development is unnecessary to meet population targets for the town.

- Adequate lands in town centre for development.
- Layout and design of the development would be domineering and visually obtrusive, in particular when viewed from the south on the R132. It would adversely affect the character of Dunleer and the setting and curtilage of the medieval Motte and the approach to the historic Dunleer Mill complex.
Concerns regarding long term viability of open space.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site and having regard to relevant national and local planning policies, I consider that the main issues in this appeal are as follows:

- Precedent.
- Zoning.
- Phasing.
- Density and urban design.
- Compliance with objectives of the LAP for riverside park and conditions of the permission.
- Impact on archaeology.

7.2. I also note that the applicant raises issues regarding the vexatious nature of the appeal, however I consider that legitimate planning matters have been raised which merit consideration. Parties also raise the following issues which I comment on briefly below:

- Traffic. This matter has been raised and addressed in previous appeals and in each instance, it has been concluded that the issue of traffic hazard would not arise. Previous Inspector's reports pointed to the modest nature of the development, its location in an urban area and within the speed limit zone of Dunleer town and the provision of adequate sightlines. In this instance, the development takes place in the same urban context, there is a very modest increase in the number of dwellings (from 26 to 35) and adequate sightlines are proposed. There is therefore no risk of traffic hazard.

- Rail. I note that there is no rail provision in Dunleer. However, the settlement is targeted for moderate growth in the County Development Plan and is well served by public bus with services to Dundalk, Drogheda and Dublin.
- Ecology. The impact of the proposed development on wildlife has also been considered previously. Inspector's reports have accepted that subject to implementation of mitigation measures set out in technical reports, adverse effects on the sites ecology are unlikely. In this instance, the application includes a Bat Survey report, Otter Survey report, Biodiversity Plan and Construction Management Plan. The reports indicate that there is substantial bat activity associated with the riparian habitat, adjacent to the River and an absence or otter activity in the vicinity of the site. The Biodiversity Plan provides for retention and augmentation of valuable habitats on site. It includes measures recommended in the Bat an Otter Survey reports to prevent adverse effects of the development on these species e.g. retention/augmentation of riparian habitat. The Construction Management Plan sets out measures to manage surface water on the site during construction and a surface water management system with attenuation and hydrocarbon filter is proposed for operation. I note, however, that the measures to manage surface water during construction do not apply directly to the site. This matter could however be addressed by condition to ensure that there is no pollution of White River arising from construction activity. Having regard to the foregoing, I am satisfied that with the implementation of the recommendations of the technical reports and condition requiring the efficacious management surface water on site during construction, no adverse effects on wildlife will arise.

7.3. Precedent

- 7.3.1. The appellant refers to the precedent set by previous decisions of the planning authority and the Board in respect of residential development on the appeal site. Having regard to the location, orientation, scale and form of the proposed development, compared to previous developments, I am satisfied that there has been a step change in the design such that the proposed development merits

consideration in its own right. Further, the past history of refusals does not of itself preclude consideration of future planning applications.

7.4. Zoning

- 7.4.1. The appellant maintains that the appeal site is erroneously zoned for residential development, given its historic, archaeological and landscape sensitivity, and that the development is inconsistent with previous draft plans for the site which identified it for modest residential development.
- 7.4.2. The appeal site is currently zoned for a mix of residential development and open space, amenity and recreation. The Dunleer LAP (section 6.3.3 and Objectives Map 5.6) states that it is an objective of the Plan to develop in the location of the subject site a riverside amenity park as a stand-alone project or in conjunction with the future provision of high quality, low density housing on adjacent residential zoned lands.
- 7.4.3. The proposed development is structured such that the residential component of the development is confined to the lands zoned for residential use and the development is brought forward in a manner which provides for the development of the adjoining land as a riverside park. The development, is therefore, entirely consistent in principle with the current zoning objective. The issue of density and provision riverside amenity park are further considered below.
- 7.4.4. I note that in the course of the preparation of the current draft Louth County Development Plan, the Chief Executive has considered the rezoning of the subject site to provide open space, amenity and recreation on the zoned housing lands. However, to date the recommendation remains that the site be zoned for low density residential and open space. The rationale for the recommendation includes the location of the site within the urban area of Dunleer, in close proximity to the urban core, concurrent policy objectives which safeguard the Motte on the site and its setting, the comprehensive approach required in the LAP for the development of the lands and wider policy objectives for compact growth. This approach does not seem unreasonable.

7.5. Phasing

- 7.5.1. Parties to the appeal argue that Development does not comply with the Dunleer LAP phasing strategy and is brought forward in advance of more centrally located sites.
- 7.5.2. Map 5.3 of the LAP identifies land for residential development within the town. These lands are divided into Phase 1 and Phase 2 lands, with Phase 1 lands identified for development within the Plan period i.e. 2017 to 2023. Of note, the Plan does not distinguish between Phase 1 lands in terms of the order in which they should come forward for development.
- 7.5.3. In Map 5.3 the appeal site is identified as one of three areas of Phase 1 residential lands. It lies to the south of the town centre and is more removed from the retail core than land zoned for residential development to the east of the town (Map 5.3). Notwithstanding this, the appeal site is in ready walking distance of the town centre and, as stated, the LAP does not set out any requirement for the phased development of Phase 1 lands. I consider, therefore, that the development of the appeal site is not dependent on the prior development of other Phase 1 lands and is acceptable in this regard.
- 7.5.4. The appellant also refers to the Policy CS 2 of the County Development Plan. This requires the development of Phase 1 lands in Level 3 settlements over the period of the Plan, in order to facilitate orderly and sustainable development. In this instance, Dunleer is a Level 2 town, and, as stated, the subject lands are designated as Phase 1 for development within the Plan period.

7.6. Density and urban design

- 7.6.1. Parties to the appeal argue that the density of the proposed development is in excess of the low density residential development indicated for the site in the Dunleer LAP and exceeds that of development previously refused on the site (26 dwellings on the site). It is also argued that the design disregards the sensitive rural location, that the development is isolated from the village, provides inadequate public open space and that apartment development is inappropriate at the location.
- 7.6.2. The Dunleer LAP requires low density development of the appeal site, in conjunction with the development of the adjoining riverside park. The County Development Plan

references the Department's guidelines on Sustainable Residential Development in Urban Areas, with regard to low density residential development (section 4.9.1).

These guidelines advocate higher residential densities at appropriate locations in the interest of sustainable development. For small towns and villages (population 400 to 5000 – Dunleer has a stated population of 1,786 in the LAP), a density of 30-40+ dwellings per hectare is indicated on centrally located sites, 20-30 units per hectare in edge of centre sites and 15-20 units per hectare on edge of town/village. Open space requirement in the CDP is 15% of site area, except where residential developments are in close proximity to public parks or other natural amenities or in the town centre, where a relaxation of the above standards may be permitted.

7.6.3. The subject development comprises 35 residential units on a site of 0.9ha, resulting in a density of 38 units/ha. This density is slightly in excess of the guideline density for edge of centre sites. However, I am mindful that the development lies in very ready walking distance of the town centre and is not isolated from it as stated by parties to the appeal. Further, the government's guidelines are not prescriptive and higher residential densities are generally encouraged at appropriate locations and subject to attainment of qualitative standards.

7.6.4. The appeal site currently comprises agricultural land that rises sharply from White River. It contains the protected Motte to the north of the site and is bound by a mature hedgerow alongside the public road. The appellant's argue that it is a sensitive site due to its archaeology and heritage value. However, today, the neither the Motte, riverside landscape nor agricultural field are visible from the public road. Consequently, the appeal site does not function as a 'public space' on approaching the town from the south. Instead the existing hedgerow forms a strong linear feature (albeit a green feature) or boundary as one approaches the town. The proposed development will significantly alter the undeveloped nature of the appeal site. However, the proposed development will provide a strong linear feature on entry to the town and the opportunity to better engage with/expose the linear park to the rear of the residential buildings and the riverside landscape. It is also a mechanism for the provision of the riverside park.

7.6.5. In their decision to refuse permission for the previous development, under ABP-302779 and 305231, the Board cited principally urban design issues i.e. where the design, layout and orientation of the development was deemed to encroach on the

archaeological monument, turn its back on the amenity part and provide a poor standard of development or suburban design and layout at the strategically located lands.

- 7.6.6. In this instance the design of the scheme has been significantly altered such that the footprint of the development is removed from the Motte to the north of the site and is confined to the western part of the site, on more gentle contours with the units running along these. The development comprises both apartments and houses and provides a mix of type and size of residential units, and in this regard is consistent with government policy (Sustainable Residential Development in Urban Areas). In detailed design the applicant has demonstrated compliance with the criteria set out in the Urban Design Manual – A Best Practice Guide 2009 and the Design Standards for New Apartments, 2020 (see Appendix A and B of Planning Statement and response to FI request no. 6).
- 7.6.7. Apartments and dwellings are designed to face the linear park and provide passive surveillance of it. The apartment and housing units are both separated and brought together by a landscaped public plaza, which also provides oversight of public access to the parkland. Private open space is largely in excess of CDP standards (Unit D is just below requirement, 59.7sqm compared to required 60sqm for 2 bedroom dwelling) and has a southerly aspect. Internally, each residential unit has main windows facing east, south or west providing satisfactory sunlight/daylight. Externally the two storey buildings are finished in brick, and reflect the height of existing structures in the town and materials observed in it. However, design is contemporary in nature and will provide variety to building type. Residential units are removed from surrounding property and separated from dwellings on the western side of the R132 by the regional road. Adverse overlooking of existing properties will not arise.
- 7.6.8. With regard to public open space, 15% of the site area would equate to a requirement of 1350sqm. It is proposed to provide 970sqm of public open space as part as landscaped plaza between the apartment block and housing units. The level of provision is below standard however, I am mindful that the development is proposed immediately adjoining a substantial area of public open space and that policies of the County Development Plan, reasonably, permit relaxation of the standards in such circumstances. I comment further on this matter below.

7.6.9. Having regard to the foregoing I do not consider that the density of development is excessive and am satisfied that the proposed development is acceptable in terms of urban design having regard to the site context and that the applicant has adequately addressed the issues raised previously by the Board for development proposed on the site.

7.7. Compliance with objectives of the LAP for riverside park and conditions of the permission

7.7.1. The appellant argues that the applicant makes no provision of Riverside Amenity Park and that the development would impact on the potential to develop White River Mill complex as a regional heritage and recreational resource. The applicant argues that condition no. 2 is unfair and unreasonable as it (a) requires the provision of a large scale public park for the benefit of the wider area and (b) condition no. 17 requires payment of a development charge of €33,600 towards recreational and amenity facilities under section 48.

7.7.2. The Dunleer LAP requires the residential development of the subject site to take place in conjunction with the provision of a Riverside Amenity Park. From the information on file, it is evident that the application before the Board includes provision of the residential development, protection and interpretation for the Mott and 2m wide footpath within the riverside park. The applicant has also provided an indicative landscape plan for the future development of the park, Site Layout Plan FI Stage, drawing no. 2011-FI-003 and a Biodiversity Plan in respect of the parkland. Drawing no. 2011-FI-003 clearly shows that the future park and landscaped areas between the footpath and development to be outside of works proposed in the planning application.

7.7.3. Having regard to the foregoing, and the design and orientation of the residential development, which addresses and is integrated with the open space lands, I consider that the applicant has sought to make provision for the development of the public park in conjunction with the development of residential lands, but falls short of provision. Condition no. 2 of the permission goes further and requires landscaping of the Riverside Amenity Park, provision of a riverside path up to the northern boundary

of the site and looped path around Motte (subject to consultation with an appropriately qualified archaeologist), interpretation signage and play equipment.

- 7.7.4. Given the clear objectives of the development plan, which require the co-ordinated development of the subject site, the location of the park within the red line boundary of the site, the relatively modest works required to implement the landscaping and biodiversity plans (for example, which focus on retention of habitats, limited additional planting and low maintenance regimes for grassland areas), the planning authority's approach is not unreasonable and would secure the provision of the park. If the Board are minded to grant permission for the development, I would consider that condition no. 2 of the permission is appropriate, given the very clear policy context for the development. However, I would recommend that the condition be worded to require completion of landscaping, path, interpretation signage and play equipment in advance of occupation of any dwellings.
- 7.7.5. Having regard to my recommendation above, I would accept the applicant's point that condition no. 2 and the imposition of a development charge in respect of recreational and amenity facilities would appear unreasonable in this context. I would recommend that the Board therefore attach condition no. 2 to the permission but remove the reference to Class 2 Amenity contribution in condition no. 17 of the permission.
- 7.7.6. The Dunleer LAP does not provide a policy objective for the development of White River Mill complex. Further, the appeal site is visually removed from the Mill both when viewed from the public domain and from the appeal site itself. However, the proposed residential development is confined to the western part of the appeal site and facilitates provision of a riverside park. It does not, therefore, preclude the future development of future recreational opportunities associated with the Mill and/or the river valley, as it makes its way through Dunleer.

7.8. Impact on Archaeology

- 7.8.1. The impact of the proposed development on archaeology has been considered by the Board in respect of previous developments. The likelihood of effects was based on archaeological survey carried out in 2014 and 2018 which included geophysical survey and test trenches. In each appeal (218106, 302779 and 305231) no adverse

effects on archaeology were identified, subject to an appropriate stand off from the Motte, comprehensive monitoring arrangements during ground disturbance works and preservation, as prescribed by the Department, in the event of significant material being discovered.

- 7.8.2. In this instance, the Archaeological and Visual Impact Assessment considers the likely effects of the development on the surface and subsurface archaeology of the site and on the setting of the Motte. The report refers to the previous archaeological investigations (2004 test trenches, 2018 geophysical survey and 2018 test trenches of anomalies identified in geophysical survey) and concludes that the archaeological potential of the site appears to be confined to an area north of an east west ditch C08 (Figure 6), with features which could be contemporary with the motte. Visual impact on the motte is considered to be slight, largely due to the planned buffer zone and absence of views of the motte from the public domain. The report makes recommendations to mitigate the impact of the development on upstanding and buried archaeological features, including protection of the Motte (buffer zone and exclusion zone during construction), archaeological excavation of the area of the site proposed for the apartment block under licence (Figure 11 of report) and monitoring of topsoil stripping, also under licence. The findings of the archaeological assessment have been accepted by the planning authority National Monuments Service, who recommend conditions if permission be granted.
- 7.8.3. Having regard to the foregoing, I am satisfied that subject to the implementation of proposed mitigation measures, and recommendations of the National Monuments Service, the archaeological heritage of the site can be adequately safeguarded.

8.0 Appropriate Assessment Screening

8.1. Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. 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.

8.2. Background on the Application

8.2.1. The applicant has submitted a screening report for Appropriate Assessment as part of the planning application 'Appropriate Assessment Screening, 2020'. The report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development and conservation objectives for these sites. The applicants AA Screening Report concluded that the project does not impinge directly on any European site and is linked only by the White River Dundalk Bay SAC/SPA. The report concludes that there are no negative effects likely to occur to the Natura 2000 sites and no impairment of their integrity nor influence on the attainment of their conservation objectives.

8.3. **Screening for Appropriate Assessment**

8.3.1. The proposed development 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). 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.

8.4. **Description of the development**

8.4.1. The proposed development comprises the construction of 35 residential units within the confines of Dunleer Town. The development will be connected to public services (water supply and sewerage). Attenuated surface water will discharge to White River, which will also pass through a petrol interceptor. SuDS features are incorporated into the site layout plan to manage surface water flows. The development will be constructed by reference to a Construction Management Plan which includes measures to control emissions from the site.

8.4.2. The development site is described in section 2 of the Appropriate Assessment screening report. It is described as comprising a level field of pasture that falls to the east, down to the wooded bank of the river, the valley side of which is partly in scrub.

8.4.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites; uncontrolled surface water run off during construction and operation.

8.5. Submissions and Observations

- 8.5.1. In their observations, Inland Fisheries Ireland (13th October 2020) recommends that there is sufficient capacity in the Dunleer wastewater treatment plant to receive and treat waste from the development, adequate surface water management to ensure no degradation of receiving waters, appropriate mitigation measures during construction and consultation regarding design of walkway (which runs alongside the river). Irish Water in their observations, raised no objections to the development.

8.6. European Sites

- 8.6.1. The development site is not located in or immediately adjacent to a European site. The closest European site are Stabannan-Branganstown SPA (site code 004091) and Dundalk Bay SAC/SPA, which lie c. 7km to the north west and north of the appeal site, respectively. Clogherhead SAC lies c.12km to the south west of the site. Only Dundalk Bay is directly connected to the appeal site via White River, which discharges into the Bay at Annagassan.
- 8.6.2. Conservation objectives for Dundalk Bay SAC/SPA are to maintain the favourable conservation conditions of identified habitats and species (below) by reference to certain attributes and targets:
- 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.
 - 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.

8.7. Identification of likely effects

- 8.8. Risks to the protected downstream waterbody (Dundalk Bay) arise from the potential discharge of contaminated water during construction and operation, with consequential adverse effects on habitats and species. (I note that in the most

recent Annual Environmental Report to the EPA regarding the Dunleer wastewater treatment plant, the final effluent was compliant with emission limit values. Further, policies of the LAP seek to upgrade and expand the capacity of the WWTP as the population of the town expands).

8.9. The proposed development is relatively modest size (35 dwellings). Surface water arising on site is likely to follow land form and fall towards the River White. However, there is a considerable standoff (c.30-40m) between these construction site and the river which is well vegetated and the distance by water of the appeal site from Dundalk Bay is significant, in excess of c.10km. Intervening soils and distance by water are likely to provide substantial attenuating and diluting effects. Therefore, in the absence of all proposed mitigation measures to manage surface water during construction and operation, significant effects on water quality in Dundalk Bay are unlikely.

8.10. **Mitigation measures**

8.10.1. 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.

8.11. **Screening Determination**

8.11.1. 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. 000455 or 004026, 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. This determination is principally based on the standoff between the construction site and the River White and the distance of the proposed development from the European Site.

9.0 **Recommendation**

9.1. I recommend that planning permission be granted for the proposed development subject to conditions.

10.0 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 and concurrent provision of riverside amenity area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the site and not seriously injure the heritage, nature conservation, visual or residential amenities of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 8th day of April 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>Reason: In the interest of clarity.</p>
2.	<p>(a) The site, including the Riverside Amenity Park, shall be landscaped in accordance with the Landscape Layouts Plan 20120_LP_01, submitted to the planning authority on the 8th day of April 2021.</p>

	<p>(b) Design details for the linear riverside path up to the northern boundary and looped pathway around the Motte, shall be prepared in consultation with a suitably qualified archaeologist. Details shall be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>(c) All landscaping including pathways in the Riverside amenity park, interpretation signage and play equipment shall be completed, to the written satisfaction of the planning authority, prior to the occupation of any of any residential units.</p> <p>(d) 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.</p> <p>€ 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.</p> <p>Reason: In the interest of residential, visual and recreation amenity and to facilitate the appreciation of archaeological heritage.</p>
3.	<p>(a) The subject site shall be resurveyed for presence of Japanese knotweed. Details of this survey together with any measures required to eradicate any further area(s) of knotweed shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) Measures set out in the Ecoweed Control Report, submitted to the planning authority on the 8th day of April 2021, to eradicate knotweed</p>

	<p>from the site shall be completed in full prior to the commencement of development on site.</p> <p>Reason: In the interest of the control of invasive species.</p>
4.	<p>A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transport.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
6.	<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. 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.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

8.	<p>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 -</p> <p>(a) Implement in full the recommendations and mitigation measures set out in the Archaeological and Visual Impact Assessment Report, submitted on the 14th day of September 2020.</p> <p>(b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>(d) The National Monument Service and the planning authority shall be furnished with a report describing the results of the monitoring.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
9.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
10.	<p>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.</p> <p>Reason: In the interests of public health and to prevent flooding.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>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 and Inland Fisheries Ireland (in respect of surface water) prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management, off-site disposal of construction/demolition waste and the management of surface water during construction.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development, or aspects of the development, being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and evidence of the legally constituted management company shall be submitted to the planning authority in writing prior to the occupation any residential unit.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an</p>

	<p>agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
15.	<p>(a) The roads and traffic arrangements serving the site (including road signage, footpath along site frontage), 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.</p> <p>(b) No works shall commence on site until the visibility splays have been provided to the satisfaction of the planning authority.</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities (Class 1 Infrastructure only) 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</p>

<p>with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Deirdre MacGabhann

Planning Inspector

9th September 2021