



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310520-21

Strategic Housing Development	115 Residential Units (56 no. houses and 59 no. apartments).
Location	Muirhevnamore, Dundalk, Co. Louth
Planning Authority	Louth County Council.
Prospective Applicant	Clúid Housing Association.
Date of Consultation Meeting	22 nd September 2021
Date of Site Inspection	30 th August 2021.
Inspector	Daire McDevitt

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1.0 Introduction

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

2.0 Site Location and Description

The site, with a stated area of c.2.49 hectares is located off the Inner relief Road in Dundalk, Co. Louth. The area to the north and northeast is predominant characterised by 2 storey and single storey houses. Access to the site is via Hoeys Lane and the Cloontygora Court housing estate which is located to the north of the site. It is bounded to the west by playing fields associated with Dundalk IT and to the south by 'Creative Spark' Innovation hub complex. The site is traversed by an access road serving Creative Spark. A halting site is located to the south west of the site, accessed off the Inner Relief Road. A portion of the eastern boundary of the site bounds the Inner Relief Road.

The application site is on lands owned by Louth County Council, the prospective applicants are Clúid Housing Association. Relevant letters of consent have been submitted with the Pre-Application Consultation request.

3.0 Proposed Strategic Housing Development

3.1 Development parameters:

Site Area: 2.49hectares.

Proposal: 115 residential units (56 no. houses & 59 no. apartments in 3 no. blocks).

Density: 46uph.

Height: 2-4 storeys.

Dual Aspect (apartments): 60%

Open Space: 15.3%

Parking: 132 carparking spaces (CDP required 115).

3.2 Unit Mix:

Unit Type	House	Apartment	Total
1 bed		23	23
2 bed	16	36	52
3 bed	38		38
4 bed	2		2
TOTAL	56	59	115

4.0 Planning History

PA Reg. Ref. 06520201 refers to a 2007 grant of permission for a residential development of 76 dwellings, roads, services and ancillary works.

5.0 Policy Context

5.1. National

Project Ireland 2040 - National Planning Framework

National Policy Objective 3a: to deliver at least 40% of all new homes nationally within the built up footprint of existing settlements.

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Section 28 Ministerial Guidelines.

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities

5.2 Regional

Regional Spatial and Economic Strategy (RSES) 2019-2031 (Eastern & Midland Regional Assembly)

This Plan identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs),

Dundalk is identified as a Regional Growth Centre, i.e a 'large town with a high level of sustaining employment and services that act as regional economic drivers and play a significant role for a wider catchment area'.

The vision provided for in the RSEs is that Dundalk will act as a Regional Growth Centre and envisages a population target of 50,000 for the entire settlement of Dundalk by 2031.

RPO 4.21 refers to 'enhance Dundalk's role as a strategic employment centre on the Dublin – Belfast Economic Corridor and provide for employment opportunities through the identification of suitable sites for new industry including FDI'.

RPO 6.3 refers to 'support the effective planning and development of large centres of population and employment along the main economic corridor, in particular Drogheda and Dundalk'.

5.3 Local

Louth County Development Plan 2015-2021

Dundalk is identified as a 'Large Growth Town 1' within the County's settlement hierarchy contained in table 2.2.

Policies of note include inter alia :

CS1 *To promote the household and population growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy*

CS3 *To require that a 'Core Strategy Population and Phasing Statement' will be submitted with all planning applications for residential development on zoned land detailing how the application complies with the core strategy household allocations and phasing proposals included in the settlement plan.*

SS1 *To maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.*

SS2 *To facilitate the development of Dundalk and Drogheda and to maintain their positions at the top of the settlement hierarchy.*

Dundalk and Environs Development Plan 2009-2015 (as extended)

As per the DEDP Core Strategy Map, the subject site is located within the priority “**Consolidation of Urban Core**” phasing area

Site is zoned ‘**Residential 1**’ with an objective *To protect and improve existing residential amenities and to provide for suitable infill and new residential developments.*

Policies of not include inter alia:

HC2 *Secure the provision of residential sites for social and affordable housing developments except within the areas delineated on map 6.1.*

HC 3 *Secure greater social integration and preservation and community ties through the provision of an appropriate mix of house types within residential areas.*

HC9 *Implement the guidelines and best practice manuals issued by the Department of Environment, Heritage and Local Government in the planning for and provision of sustainable communities within new residential areas.*

HC17 *Encourage the provision of safe and viable alternatives to the car for school traffic such as walking buses and dedicated cycling routes.*

HC18 *Ensure proposed development complies with the provisions of ‘Sustainable Residential Development in Urban Areas 2008’ and other DoEHLG guidelines.*

HC22 *Require that all proposed residential developments, including apartments, comply with the internal space provisions as set out in appendix 4.*

HC25 *Require applicants for residential developments on sites of 1 hectare or over or for more than 50 residential units to provide an audit of existing community facilities in the locality and where a shortfall in facilities exist, demonstrate how this should be made good, either through provision on site or such other means as are acceptable to the planning authority.*

I draw attention to the Louth Draft County Development Plan 2021-2027 which is due to be adopted in November 2021 and the requirement to comply with same, if applicable

6.0 Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicant that a pre-application consultation meeting took place with the Planning Authority on 29th January 2019.

7.0 Forming of the Opinion

7.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.2 Documentation submitted

7.2.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information inter alia included: completed Pre-Consultation Request application form, architectural drawings and plans, Architectural Design Statement (including Urban Design Statement), Tree Survey Report and Outline Maintenance Report, Landscape Master Plan, Tree Classification, Arboricultural Impact Assessment, Tree Protection, Engineering drawings, Drainage Services Report, DMURS Consistency Report, Traffic Report, Site Lighting Drawing & calculations, Compliance with Life Cycle Report, Flood Impact Assessment, Archaeology Impact Assessment, Ecology Impact Assessment, EIA Screening Report, AA Screening Report, IAS Survey Report, Statement of Consistency, Statement on the provision of Childcare facilities, Letter of Consent from Louth County Council, Minutes of pre-planning meeting with Louth County Council.

7.2.2 In addition, section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements as set out above have been submitted, as required.

7.2.3 I have reviewed and considered all of the documents and drawings submitted.

7.3 Planning Authority Submission

7.3.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 9th July 2021

The report included planning history, issues relating to the proposal and issues that may be considered by An Bord Pleanála.

The Planning Authority concluded that the documentation submitted is acceptable in terms of layout and the principle of development accords with national guidelines.

Below is a summary of the issues highlighted requiring further consideration relate to:

- Phasing should include a mix and range of unit types in each phase, the amenity and street furniture provision should be equally released in each phase.
- Clarify quantum of open space for the apartments.

- Further consideration should be given to the proposed areas of public open space opposite units no. 1-10 in terms of their functionality and usability.
- Justification/rational regarding childcare provision (or lack of).
- Flood Risk Assessment.
- Details regarding raising of road levels and ensuring access is maintained during any amendments to the main access to Creative Spark.
- Requirement for a Road Safety Audit stage 1 & 2 Report.

7.4 Other submissions

Irish Water (21st July 2021)

Irish Water reviewed the plans and particulars submitted for this Strategic Housing Development and confirms that a Confirmation of Feasibility was issued to the applicant for 64 units in June 2020. However, Irish Water notes the applicant is seeking an additional 51 units.

Irish Water advises the board that the applicant is required to reengage with Irish Water to seek confirmation of feasibility for 51 additional units, feasibility of connections for the full 115 units should be confirmed by Irish Water to the applicant prior to progressing to SHD application stage.

8.0 The Consultation Meeting

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 22nd September 2021, commencing at 10 am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Development Strategy with particular reference to open space and boundary treatment.
2. Childcare
3. Traffic/connectivity/permeability.
4. Issues raised by Irish Water.
5. Flooding
6. Any Other Business.

In relation to **Development Strategy with particular reference to open space and boundary treatment** ABP representatives sought further elaboration/discussion/consideration of:

- Interface with adjoining uses/lands.
- Location and provision of open space.
- Boundary treatment.

In relation to **Childcare** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for not providing a childcare facility with the proposed scheme.

In relation to **Traffic/connectivity/permeability** ABP representatives sought further elaboration/discussion/consideration of:

- Links to adjoining lands.
- Permeability through the site.
- Connectivity (in particular pedestrian and cycle linkages)
- Compliance with DMURS

In relation to **Issues raised by Irish Water** ABP representatives sought further elaboration/discussion/consideration of:

- Requirement to engage with Irish Water in relation to the correct number of units proposed within the scheme.

In relation to **Flooding** ABP representatives sought further elaboration/discussion/consideration of:

- Issues raised by the Planning Authority.
- Assessment of potential flood risk arising from the development
- Implications for other elements of the proposed development.
- Need to ensure all documentation correlates.

In relation to **any other business** ABP representatives sought further elaboration/discussion/consideration of:

- ABP highlighted to the requirement to address all technical issues prior to lodging an application as no recourse to further information under SHD.
- Note provisions of article 299(B) of the Planning and Development Regulations 2001-2021.
- Ensure all documentation correlates.
- Address any material contraventions if they arise.
- The prospective applicant requested further consultation with the PA regarding childcare assessment requirements.
- The Planning Authority highlighted that the Draft Louth County Development is due to be adopted in November 2021 and that the prospective applicant should satisfy themselves that they comply with same.

- ABP representatives noted that the opinion will issue based on the current Development Plan in place.

The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 310520' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

9.0 Conclusion and Recommendation

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

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

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

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the

opinion that the documentation submitted **require further consideration and amendment in order to constitute a reasonable basis for an application** strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Flood Risk

Further consideration and / or justification of the documents as they relate to the potential flood risk arising from the development on the site. The further consideration and / or justification should address the following matters:

A Site Specific Flood Risk Assessment that addresses inter alia that the proposed development:

- a) is not at risk of flooding.
- b) will not exacerbate flooding in the immediate area or wider area.
- c) any residual risks to the area and/or development can be managed to an acceptable level.
- d) The assessment should also clearly demonstrate proposed management of any residual risks.

The response should include a response to the issues raised by Louth County Council Infrastructure Section contained in the Planning Authority's Opinion received by An Bord Pleanála on the 9th July 2021.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Irish Water

Further consideration and / or justification of the documents as they relate to the capacity of Irish Water network to accommodate the proposed development. This will require that prospective applicant reengage with Irish Water to confirm the feasibility of connecting 115 residential units to the Irish Water network.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards

for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted.

2. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and nearby residential properties should be submitted.
3. A contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate levels, including details of how the proposed development interfaces with contiguous uses/lands (within and outside the applicant's control) and adjoining roads. The response should also address the interface with existing uses bounding the site, as they relate to the layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. Particular regard should also be had to creating suitable visual relief in the treatment of boundaries and interface with adjacent lands. Detailed boundary proposals, specifications and cross-sections should be included.
4. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. (a) Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Louth County Council.
(b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works along public roads.
(c) A Carparking Strategy and Mobility Management Plan for the apartments.
6. An Ecological Impact Assessment.
7. An Archaeological Impact Assessment.
8. A Tree survey and Arboricultural Assessment. The response should include a Tree Removal Plan, Tree Constraints Plan and Tree Replacement Plan.
9. A report identifying the demand for school and crèche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.
10. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
11. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.

12. Respond to issues raised in the Planning Authority Opinion received by An Bord Pleanála on the 9th July 2021.
13. Where the prospective applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
3. Heritage Council.
4. An Taisce.
5. An Comhairle Ealaíon.
6. Relevant Childcare Committee

PLEASE NOTE:

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

Dáire McDevitt

Planning Inspector,

22nd September 2021