



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314627-22

#### Development

Demolition of a single storey office building; Construction of a 5-storey mixed use building comprising of 2 retail/office units 18 no. apartments and associated site works. \*Significant further information received on 28.07.2022

#### Location

Francis Street, Townparks, Dundalk, Co Louth

#### Planning Authority

Louth County Council

#### Planning Authority Reg. Ref.

211126

#### Applicant(s)

Paula Tiernan.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant Permission.

#### Type of Appeal

Third Party

#### Appellant(s)

Douglas Court Residents Association.

#### Observer(s)

No Observers.

**Date of Site Inspection**

23<sup>rd</sup> of January 2024.

**Inspector**

Elaine Sullivan

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0965 hectares and is located in the town centre of Dundalk. It is currently vacant and forms a large section of the streetscape on the northern side of Francis Street, which is within the Architectural Conservation Area of Roden Place.
- 1.2. To the north, the site backs onto building No's 8-12 on Crowe Street, which comprise a mix of commercial uses and range in height from two to three storeys. Crowe Street also houses Dundalk Courthouse and An Táin Arts Centre. To the south, the site directly adjoins the public footpath on Francis Street. This part of the site is secured with metal hoarding and a gate. Directly adjoining the site to the east is the residential development of Douglas Court. This building is four storeys in height and forms the eastern corner of Francis Street. Adjoining the site to the west is a three-storey commercial building with a single storey building adjoining it to the west.
- 1.3. Francis Street is a busy one-way street with on-street parking on both sides. It has a mix of building types with a prevailing height of two to three storeys. The southern side of the street has a coherent urban form and is in better physical order than the northern side, which has a large vacant site in the centre of the street with a number of vacant buildings to the west of this again.

## 2.0 Proposed Development

- 2.1. Planning permission was sought for the demolition of a single storey office building and the construction of a 5-storey mixed use building comprising 2 retail/office units at ground floor level with 18 apartments over 4 storeys above, (12 x 1-bed and 6 x 2 bed). A two-way vehicular access would be provided from Francis Street to a car parking area with 11 car parking spaces and 25 cycle parking spaces. The bin store would also be in this area.
- 2.2. The design of the development was altered through further information, (FI). The eastern section of the development was reconfigured and moved further away from the eastern boundary. This resulted in reducing the size of one of the commercial units and the provision of a pedestrian access from Francis Street which would lead to the bicycle store and the car park. The upper levels of the building to the rear of

the site and in the north-eastern corner were moved further west within the site and further away from the rear of the residential development of Douglas Court.

- 2.3. Changes were also made to the fenestration and to the external finishes and architectural details on the front elevation. The number and type of apartments remained the same in both proposals.
- 2.4. The decision of the Planning Authority, (PA), omitted the upper levels of the north-eastern section of the building. This would reduce the number of apartments by four.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

A decision to grant permission was issued by the PA subject to 20 planning conditions. Condition No. 2 requires the following,

*a. Prior to the commencement of the development the developer shall submit revised plans which omits the four-storey projection over the commercial unit to the rear of the proposed development along with all other resultant alterations for the written agreement of the planning authority. The proposed retail/ office unit and bicycle parking area at ground floor level shall remain in place.*

*b. All external finishes shall be agreed in writing with the planning authority prior to the commencement of development.*

*c. The applicant shall submit revised plans for the proposed fire escape to the rear of the Douglas Court for the written agreement of the planning authority.*

*d. All signage for the proposed retail/office units shall be agreed in writing with the planning authority prior to commencement.*

*Reason: To protect the residential amenity of adjoining properties and in the interest of orderly development.*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The decision of the PA was informed by two reports from the Planning Officer. The first report dated the 22nd of October 2021 recommended that further information was sought on seven points. The second report dated the 18<sup>th</sup> of August 2022 reviewed the response to the FI request and recommended that planning permission was granted.

The first report of the PO included the following,

- The operative development plan for the area was the Dundalk and Environs Development Plan 2009-2015, within which the site is zoned 'Town Centre Retail' where it is an objective of the PA, *'To protect and enhance the vitality and viability of the town centre as the primary retail core of the town'*.
- The principle of the development is acceptable as both retail and residential uses are permissible in the zoning objective for the site, and the site is in an area designated for Consolidation of the Urban Core in the Dundalk Development Plan.
- The site is also located in an Architectural Conservation Area, ACA No. 2 Roden Place.
- It is noted by the PO that the development would be a significant intervention in the streetscape and further information is required to adjudicate on the architectural quality of the proposal.
- A density of 187 units per hectare would be provided by the scheme. This is considered acceptable as higher densities are supported by the National Planning Framework and Policy TC7 of the Dundalk and Environs Plan 2009-2015.
- The proposal is generally in accordance with the development standard set out in the Apartment Guidelines 2020, (which were the relevant standards at the time), regarding floor area, apartment mix, dual aspect units and private amenity space. It is noted that the development does not provide any public amenity space. Given the location of the site in a town centre and the provision in the Apartment Guidelines which allows for a relaxation of standards in specific circumstances, the lack of public open space can be accepted.

- Car parking provision is lower than the Development Plan standards but can be accommodated given the location of the site in a town centre.
- The PO raised concerns regarding the impact of the proposal on the adjoining residential development of Douglas Court in terms of loss of light. A third-party submission also stated that the development would encroach on lands in third party ownership and that a right of way would be extinguished by the development.
- It is recommended that further information be submitted regarding the design impact of the proposal on the ACA and surrounding area, the impact of the development on the adjoining residential development, the legal ownership of the site and right of way across the site, details regarding vehicular movements and arrangements, and details regarding wastewater and surface water.

The second report dated the 18<sup>th</sup> of August 2022 assessed the applicant's submission in response to the FI request and found it to be generally acceptable. The PO was not convinced that the amended proposal would adequately prevent unacceptable negative impacts on the amenity of Douglas Court in terms of overshadowing and loss of light. For this reason, the PO recommended that the upper levels of the north-easterly projection be omitted from the development.

### 3.2.2. Other Technical Reports

- **Infrastructure Department** – The report of the 12<sup>th</sup> of October 2021 recommended that planning permission be refused. Access to the site was permitted under Planning Ref. No. 16816. Condition No. 4, 5 and 6a of this permission required specific details and works to be agreed with the PA prior to commencement. This permission has been implemented without complying with the conditions. Should permission not be refused, further information is required regarding visibility splays, vehicular tracking movements, tactile paving and uncontrolled crossing points, and surface water attenuation. A second report dated the 5<sup>th</sup> of August 2022 noted that information was lacking regarding visibility splays and the modification of on-street parking to accommodate same.

### 3.3. Prescribed Bodies

- **Uisce Éireann** – Further information required. The applicant was requested to engage with Uisce Éireann through the submission of a Pre-Connection Enquiry to determine the feasibility of the development. A response dated the 13<sup>th</sup> of May 2022 noted that a connection to the public network could be facilitated.
- **Department of Housing Local Government and Heritage** – The response dated the 21<sup>st</sup> of October 2021 noted that the development is located within the zone of archaeological potential established around the historic town of Dundalk, Recorded Monument LH007-119, which is subject to statutory protection in the Record of Monuments and Places established under section 12 of the National Monuments (Amendment) Act 1994. Should planning permission be granted it is recommended that a planning condition is attached that requires an Archaeological Impact Assessment to be carried out to assess the potential impact on any archaeological remains.

### 3.4. Third Party Observations

3.4.1. One third party submission was received from the residents of Douglas Court which adjoins the site to the east. The submission raised the following issues,

- The eastern side of the development encroaches on land which is outside of the ownership of the applicant. (Documentation provided). This should invalidate the application.
- A long-established right of way would be extinguished by the development. This would have an impact on the residents of Douglas Court.
- The proposal would have a negative impact on the ACA by virtue of its design and scale.
- Construction of the development will result in traffic congestion.
- No public amenity space is provided.
- Bicycle parking provision is not sufficient.



- The development would have an adverse impact on the residential amenity of Douglas Court through loss of light and overbearing impact.
- The fire escape route from Douglas Court would be impacted.

3.4.2. A second submission was received from the residents of Douglas Court on foot of the applicant's response to FI. No new material issues were raised in the second submission. The submission noted that the letter and maps from the applicant's solicitor in response to the ownership query was not made publicly available. Concerns were reiterated regarding the layout of the site and the impact on the right of way, access to and from Douglas Court, loss of light to adjoining apartments and the overall design and scale of the building.

## 4.0 Planning History

The most recent planning history for the site includes the following,

**16/816** – Planning permission granted by the PA in 2017 for a temporary car park for a period of 5 years with associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (LCDP), 2021-2027, which came into effect on the 11<sup>th</sup> of November 2021.
- 5.1.2. The application was assessed by Louth County Council in accordance with the policies and objectives of the Louth County Development Plan 2015-2021, which was the operative Development Plan at the time. The 2021-2027 Development Plan was in place when the response to further information was assessed by the Planning Officer. The decision of the Planning Authority states that they had regard to the policies and objectives of the Louth County Development Plan 2021-2027.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2015 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I

consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Louth County Development Plan.

5.1.4. I note to the Board that the 2021 Development Plan includes an undertaking to prepare a Local Area Plan for Dundalk. This process is currently underway, and an Issues Paper has been compiled and published. The development strategy for Dundalk is set out in the current Development Plan and the zoning objectives map is contained in Volume 1A.

5.1.5. The following sections of the **Louth County Development Plan 2021-2027** are of particular interest to the appeal.

- Dundalk is designated as a Regional Growth Centre. (Settlement Level 1), in the Settlement Hierarchy for County Louth, (Table 2.4, LCDP).
- The site is zoned objective B1 – Town or Village Centre, which seeks *‘To support the development, improvement and expansion of town or village centre activities’*.
- The site is within Architectural Conservation Area No. 20 – Roden Place. There are no protected structures within, or directly adjoining, the site but there are several protected structures near the site and along Francis Street and Crowe Street.
- The site is located within a Zone of Archaeological Potential, (Map 9.2, Appendix 9).

5.1.6. **Chapter 2 – Core Settlement Strategy**

**2.11.1 – Overarching Strategic Policy Objectives for the County -**

**CS2** - To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built-up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

**2.11.2 – Regional Growth Centres**

CS10 - Direct and consolidate the majority of the County’s future population growth into the strong and dynamic Regional Growth Centres of Drogheda and Dundalk in

line with the objectives of the Regional Spatial and Economic Strategy and in accordance with the Core and Settlement Strategies of the Development Plan.

## **2.14 – Dundalk**

2.14.2 – Town Centre Area – The *Urban Design Framework Plan* published in 2008 will continue to provide the platform for development in the town centre.

### **2.14.8 – Strategic Settlement Strategy Policy Objectives for Dundalk -**

- SS21 - To support sustainable high-density development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.
- SS22 - To support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.
- SS24 - To promote and facilitate the development of key opportunity or regeneration sites within or proximate to the town centre.

## **Chapter 3 – Housing**

3.11 – Densities – In order to secure more compact growth and to consolidate development in central locations, higher densities will be encouraged.

The recommended minimum density for Dundalk Town Centre is 50 units per hectare. (Table 3.2, LCDP).

### **3.12 – Buildings of Height.**

Policy Objective HOU16 – To support increased building heights in appropriate locations in the Regional Growth Centres of Drogheda and Dundalk.

## **Chapter 5 – Economy and Employment – Policy Objective –**

EE79 - To have regard to the Architectural Heritage Protection: Guidelines for Planning Authorities 2011 (DAH LG) and any subsequent guidelines, when assessing applications for shopfronts on protected structures or in Architectural Conservation Areas (ACA's).

## **Chapter 9 – Built Heritage and Culture**

### **9.6.1 – Architectural Conservation Areas (ACAs) – Policy Objectives**

- BHC 32 - To require that all development proposals within or affecting an Architectural Conservation Area preserve or enhance the character and appearance of that area, protect architectural features of special interest and ensure that the design respects the character of the historic architecture in terms of height, scale, layout, and materials. All development proposals shall have regard to the Architectural Conservation Area objectives in Appendix 11, Volume 3 and objectives contained in applicable Character Appraisals where available.
- BHC 37 - To retain surviving medieval plots and street patterns in the Architectural Conservation Areas and other towns and villages where in evidence and in the course of development, to record and mark evidence of ancient boundaries and layouts etc.

The following documents are referenced in Section 9.6.1 and are included in Volume 3 of the Development Plan –

- Appendix 13 - Guidelines for Works in Conservation Areas,
- Appendix 14 - A Guide to ACA's in Louth,
- Appendix 15 – Development Management Guidelines for ACA's

## **Chapter 13 – Development Management Guidelines**

### 13.8 – Housing in Urban Areas

Density – Recommended density for Dundalk Town Centre is 50 units per hectare.

#### 13.8.10 – Daylight and Sunlight

13.8.18 – Car and Cycle Parking – Standards are set out in Tables 13.11 and 13.12 – The site is in Area 1, (town and settlement centres) – Table 13.11 sets out the car parking standards for Area 1. An apartment in Area 1 would yield 1 space per apartment. Offices are 1 per 50sqm and Retail is 1 per 20sqm.

A reduction in car parking standards may be acceptable in certain circumstances.

#### 13.8.27 – Apartments

13.8.28 – Design Standards for New Apartments – Section 28 Guidelines.

13.8.32 – Infill and Backland Development in Urban Areas – the following considerations will be considered –

- Prevailing density, height, plot sizes and building proportions.
- Design should be high quality and positively contribute to the existing area.
- Impact on existing daylight / sunlight and overlooking.
- Private open space for new and existing buildings.
- Car parking.
- Orientation of building and windows should not compromise future development.

Development Plan standards may be relaxed in certain cases if the proposal will result in the development of vacant or under-utilised lands.

## 5.2. National Guidance

### 5.2.1. Project Ireland 2040, National Planning Framework, (NPF).

The NPF provides a series of National Policy Objectives (NPOs), which relate to infill development and utilising underused sites and include the following,

- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3b, Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs within their existing built-up footprints.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.
- NPO 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

## **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2023).**

- These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, (2009), and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements.
- Dundalk is identified as a Regional Growth Centre in the Regional Spatial Economic Strategy for the Eastern and Midlands Area. It is a policy and objective of the Guidelines that residential densities in the range of 50 dwellings per hectare, (dph) to 150 dph (net), shall generally be applied in the centres and in urban neighbourhoods of Regional Growth Centres.
- Section 3.4.2 of the Guidelines states that it is necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment. New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment.
- Advice is also given on Urban Design and Placemaking, (Chapter 4), and Development Standards for new housing, (Chapter 5).

## **Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.**

The guidelines set out the development standards for apartment developments. They also support the use of infill sites in urban locations to provide higher density apartment developments.

- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).
- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no

restriction on dwelling mix. Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10<sup>th</sup> residential unit to the 49<sup>th</sup>.

- SPPR3 – Sets out the standards for minimum apartment floor areas, (1 bed – 45 sq. m / 2 bed 73 sq. m).
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.

### 5.3. Natural Heritage Designations

- 5.3.1. No designations apply to the subject site.

### 5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The proposed development is subject to one appeal from the Douglas Court Residents Association, the grounds of which is summarised below.

- **Impact on right of way and fire escape route** – The appeal contains a map that contends that the red line boundary of the subject site overlaps with lands within the ownership of Douglas Court, which is the adjoining property to the east. This issue was raised in the request for further information but the appellant states that correspondence from the applicant's solicitor was not made publicly available. In the absence of a letter of consent from the owner of Douglas Court, the appellant is of the opinion that the application is invalid as it is not in compliance with Article 22 of the Planning and Development Regulations 2001, (as amended).
- The appeal also claims that the development would extinguish a long-established right of way through the appeal site, from Douglas Court to Fredrick Street. The appellant contends that the right of way has been acknowledged by the PA as it was subject to a FI request in planning applications dating from 1995, (i.e. Ref. No. 55526065, (March 1995), Ref. No. 95520179, (November 1995), and Ref. No. 065200080, (April 2006)). Note – No documents relating to any of the applications referenced are available online.
- Should this right of way be extinguished it would prevent access to the rear of Douglas Court for maintenance and cleaning. It would also eliminate the fire escape route for residents of Douglas Court and the adjoining ground floor business. As the Fire Cert for the building will not deal with adjoining buildings, the appellants request that this issue be considered by the Board.
- **Impact on Residential Amenities** – Douglas Court directly adjoins the subject site to the east. The appeal contends that the proposed development will have a negative impact on the residential amenities of Douglas Court through overbearing, overshadowing and loss of direct sunlight and ambient daylight. Loss of privacy would also be experienced by the residents on the



top two floors of Douglas Court from the balcony of Unit 18 in the revised arrangement which was submitted through FI.

- The appellants are of the opinion that the Daylight and Sunlight Assessment Report submitted under FI was incomplete and unrepresentative of the full impact of the proposal on the properties at Douglas Court.
- **Impact on Architectural Conservation Area** – The subject site is located within an Architectural Conservation Area, (ACA), No. 20 Roden Place. The appeal states that the proposed development would be out of character with the prevailing three storey building heights on the street and the narrow plot widths/shop fronts. It is also questioned whether regard was to the Architectural Heritage Protection Guidelines as required by the Development Plan, (Policy EE79). The building would have a large, flat and expansive elevation to the street that would be incongruous and inconsistent with the remainder of Francis Street and the wider ACA.
- The proposed development would completely block the mural on the gable elevation of the Douglas Court building. The mural was installed under the Government’s Creative Ireland Programme 2017-2022, Seek Murals project and is a painting of local, historical figure Henry Tempest. It is prominent within Francis Street and adds to the vibrancy, vitality, and cultural offer of the town.
- **Potential Impact on Protected Structures** – There are several Protected Structures in the vicinity of the site; The Courthouse (Ref. No. 13705001), the Town Hall, (Ref. No. 13705008), St. Patrick’s Cathedral, (Ref. No. 13705082), and No’s 13 – 18 Francis Street (Ref. No’s 13705085-13705089 inclusive). The grounds of appeal argue that consideration was not given to how the proposed development would interact with the protected structures and if it would impact on the character, setting, relationship and special historical and architectural interests of neighbouring protected structures and the wider urban landscape.
- **Compliance with Apartment Design Guidelines** – The Apartment Guidelines for Planning Authorities, (Apartment Guidelines), require new developments to provide an appropriate level of communal open space for

residents. Based on the standards contained in the Guidelines, the proposed development would require the provision of 78-79 sqm of communal amenity space. Drawing No. 2018-P-200-B shows a small bench/seating area between car parking spaces 3 and 4 in the northeastern corner of the site. It is unclear if this is meant to function as communal space, but the nature and scale of the area falls short of the qualitative and quantitative standards set out in the Guidelines. Instead, the applicant relies on nearby public open spaces which are at some distance from the site.

- Drawing No 2018-P-101-B shows a roofed bicycle storage area to the rear of car parking spaces 9 and 11. The plans do not state if access to this area will be secure as required in Section 3.4 of the Apartment Guidelines. The design of the buildings would provide very little passive surveillance of the yard, public amenity space or bicycle storage. The appellant also notes that the ground floor plans illustrate gated access at either end of the proposed bike store. An assumption is made that this is to facilitate the rerouting of the existing right of way and fire escape and the appeal questions whether this presents a secure solution for the bicycle storage area.

## 6.2. Applicant Response

- No response on file from the applicant.

## 6.3. Planning Authority Response

A response was received from the PA on the 6<sup>th</sup> of October 2022 and includes the following,

- In response to concerns raised by Douglas Court Residents Association and in the interest of residential amenity, the PA conditioned that the four-storey projection over the commercial unit to the rear of the development be omitted.
- This amendment will ensure that the proposal will not have any undue negative impact on the residential amenities of Douglas Court in terms of overbearing impact or overshadowing and loss of light.

- The PO considers that the photomontages submitted demonstrate that the proposal will not negatively impact on the visual amenities or character of the ACA and will in fact, enhance the amenities of the location by redeveloping a vacant and derelict site.
- In consideration of the central urban location of the site and the availability of services and facilities, the proposed development is acceptable, subject to conditions and will not result in any undue negative impact on the residential amenities of Dougla Court. The development is also consistent with the objectives of the National Planning Framework and the Design Standards for New Apartments.

#### 6.4. **Observations**

- No observations.

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Residential Amenity
- Impact on Architectural
- Appropriate Assessment

#### 7.2. **Principle of Development**

7.2.1. The site is located within the settlement boundary of Dundalk and is zoned objective *B1 – Town or Village Centre*. The purpose of this zoning is, *‘To support the development, improvement and expansion of town or village centre activities.’* Residential, office and retail uses are all ‘generally permitted’ within the B1 zoning

objective. The development is also consistent with strategic policy objective CS2 which seeks, *‘To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.’*

- 7.2.2. Therefore, I am satisfied that the principle of development on the site is acceptable subject to the policies and objectives of the Louth County Development Plan 2021-2027.

### 7.3. Procedural Issues

- 7.3.1. The grounds of appeal raise an issue as to whether or not the applicant has sufficient legal interest to carry out development on the site. The appellant contends that the red line boundary for the development extends into third party lands at Douglas Court, which is outside the ownership of the applicant. In failing to submit a letter of consent from the relevant owner the planning application should be declared invalid. It is also submitted that the development would extinguish an existing right of way over the site from the rear of Douglas Court. This which would impinge on access to Douglas Court and to the current fire escape route for the building.
- 7.3.2. This issue was addressed by the applicant in their response to further information. The response states that the area making up the application was taken precisely from the filed plan which accompanies the Folio for the site. Copies of both the Folio and the site plan was provided by the applicant. Pursuant to Registration of Title Act 1964, Section 31, registration in the Land Registry is conclusive evidence of title. The applicant also states that it has not been established that any right of way exists over the property. No such right is registered on the folio and no deed of grant has been provided to satisfy the owner that such a right exists. Furthermore, a fence separated both properties until it was recently damaged. Notwithstanding the foregoing, the first party has resolved to provide a right of pedestrian access across the site, as shown on the application drawings.
- 7.3.3. In terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal interest in the land for the purposes of the planning application and decision. Any further consents that may have to be obtained regarding access or

right of way are essentially a subsequent matter and are outside the scope of the planning appeal. In any case this is a matter to be resolved between the parties, having regard to the provisions of S. 34(13) of the Planning and Development Act 2000 (as amended). Furthermore, under Chapter 5.13 of the 'Development Management – Guidelines for Planning Authorities', (DoECLG 2007), which states, inter alia, the following: *'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...'*

#### **7.4. Residential Amenity**

##### Future Residential Amenity

- 7.4.1. The appellant is of the opinion that the scheme is not in accordance with the Sustainable Urban Housing – Design Standards for New Apartments (Guidelines for Planning Authorities, (amended in 2023), hereinafter referred to as the Apartment Guidelines, as an appropriate level of public open space is not provided in the proposal. The grounds of appeal also question the security and functionality of the access arrangements to and from the bicycle store.
- 7.4.2. I have reviewed the application documents and I am satisfied that the apartments have been designed in accordance with the development standards set out in the Apartment Guidelines and in Chapter 13 of the LCDP. The gross floor area of each unit either meets or exceeds the minimum standards set out in SPPR 3, and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space and internal floor space as set out in Appendix 1 of the Apartment Guidelines. Some of the one-bedroom apartments, (Units 1, 6 and 11), show part of the storage provision in the bedrooms. Where this approach is used, the Apartment Guidelines state that the storage should be additional to bedroom furniture. It is not clear from the drawings if this is the case. However, I note that the bedrooms in question are almost 14 sq. m which is more than the 11.4 sq. m required by the Guidelines. Of the 18 apartments initially proposed, 15 of them were dual aspect, which is in accordance with the requirement that a minimum of 33% dual aspect units are provided on more central and accessible sites.

- 7.4.3. The development would not provide any functional public open space or communal open space for residents. Provision is made in the Guidelines for a relaxation or omission of communal amenity space on urban infill sites of up to 0.25ha on a case-by-case basis. Section 13.8.15 of the LCDP also allows for a reduced rate of public open space on an individual basis. I am satisfied that the lack of communal open space can be accepted in the subject development given the scale of the development, the size of the site and its nature as a brownfield, infill site in a town centre. Furthermore the size and orientation of the site would not lend itself to providing any meaningful open space at ground level or roof level.
- 7.4.4. The appellant also queried the functionality and security of the bicycle store to the rear of the site. This store is shown as a covered area with space for 39 bicycles. It could be accessed from the central courtyard to the rear, or from the gated pedestrian access way from Francis Street. I am satisfied that the bicycle storage area would be covered and secure which is in accordance with the LCDP and the Apartment Guidelines. I do not consider that the dual access arrangement to the store would represent a security issue as this could be easily managed for residents.

#### Existing Amenity

- 7.4.5. Regarding the potential impact of the development on existing residential amenity, the apartments at Douglas Court are the closest and most sensitive receptor. Concerns were raised by third parties and the PA regarding the impact the proposal would have on the existing apartments in terms of loss of daylight and overshadowing. This was addressed by the applicant in their response to further information. The north-eastern projection was moved further away from Douglas Court and a Daylight and Sunlight Assessment was prepared for the amended scheme.
- 7.4.6. In the revised drawings, the rear elevation of Douglas Court would be approximately 4.9m from the single storey, elevation of Commercial Unit 2, and the five-storey projecting element to the rear of the site, would be 12m from the rear of Douglas Court. I note to the Board that the PA were not satisfied that the Daylight and Sunlight Assessment provided a full and complete assessment of the potential impacts of the development. In the PA's notification of decision, a condition was

attached to omit the projecting element of the development that would directly oppose the existing windows.

- 7.4.7. The Daylight and Sunlight Assessment was carried out in line with the recommendations of BRE's 'Site Layout Planning for daylight and sunlight, a Guide to good practice', (BRE Guide 209, Building Technology Group, 2022) and BS EN 17037: 2018, and focused on the windows to the rear of Douglas Court apartment building. It is submitted in the assessment that if increased density is to be achieved on the site, in accordance with Development Plan policy, the standard methodology for measuring daylight is inappropriate for the site. The assessment also notes that the existing site conditions are difficult as the buildings at Douglas Court are very close to the site boundary and take up more than their fair share of light. In such instances it is appropriate to use Appendix F of the BRE Guide to set an alternative criterion.
- 7.4.8. The standard methodology involves measuring the Vertical Sky Component, (VSC), of an existing development, which is an indicator of the penetration of natural skylight through windows. Any reduction in the total amount of skylight for existing buildings can be calculated by finding the VSC at the centre of each window. The diffuse daylighting may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value.
- 7.4.9. An alternative methodology is put forward in Appendix F of the BRE Guidelines which allows for situations where the target of 27% VSC is unachievable, i.e. on inner city sites with high buildings. Based on the alternative methodology set out in Appendix F, new VSC target values were set at 19% for the ground floor windows, 23% for the first floor, and 27% for the second floor and above. The results of the analysis found that 64%, (16 of the 25 windows tested), would meet the alternative VSC targets.
- 7.4.10. Whilst I acknowledge the infill nature of the subject site and surrounding pattern of development, I also note that Section F6 of the BRE Guidelines advises that the ... *“mirror-image’ approach needs to be applied sensibly and flexibly. For example where a long-established dwelling has windows on or very close to the boundary, it would be inappropriate to block them up and remove all or nearly all their light.’*. In the application of the alternative methodology, the results still show that 5 of the

windows at second floor level and 4 of the windows at third floor level would not meet the BRE criteria which was determined using the alternative methodology and allows for a lower level of VSC to existing windows. I accept that some diminution in daylight could be expected from the development of the vacant site. However, I would be concerned that even when a lower benchmark for VSC is applied, some existing windows on Douglas Court would still not achieve these levels because of the development. A set of shadow diagrams were also prepared and submitted as part of the assessment. The diagrams do not show results for the 21<sup>st</sup> of December but the results for the 21<sup>st</sup> of June, (best case scenario) show that Douglas Court will be overshadowed for a significant part of the day. In consideration of the results of both assessments, I would agree with the decision of the PA to omit the upper levels of the north-easterly projection. Should the Board be minded to grant permission for the development, I recommend a condition be attached to reflect this.

7.4.11. I do not consider overlooking to be an issue as there are no windows facing onto the neighbouring site.

## **7.5. Impact on Architectural Heritage**

7.5.1. The subject site is located in Roden Place Architectural Conservation Area, (ACA). The grounds of appeal submit that due consideration was not given to the design of the proposed development and how it would integrate or impact on the ACA. The appellant is also of the opinion that the development is out of scale with the surrounding pattern of development and that the overall design does not reflect the key characteristics of the ACA.

7.5.2. Roden Street ACA is largely Georgian in character. The primary purpose of the ACA is to protect the integrity of the streetscape and the setting of the buildings of National importance, which are identified as the Court House and St. Patrick's Cathedral. In the designation of the ACA, it is the intention to protect and enhance the character of the area by giving consideration to the suitability of scale, style, construction materials, colour and decoration to be used in any proposals for new development taking place in or adjacent to the ACA.

7.5.3. Development management advice for ACA's in County Louth is contained in the Development Management Guidelines for ACA's, (Appendix 15, Volume 3). Section



2.1, (Plot Widths), and 2.4, (Building Heights) are of relevance to the subject proposal. The advice contained in the Development Plan reflects the advice in the Architectural Heritage Guidelines, which were referenced by the appellant. General advice regarding plot widths states that new developments should have regard to the historic plot sizes. Where new developments extend over more than one plot should address the historic grain / plot width through variations in the façade composition that echo the historic plot pattern. The principles guiding building height in ACA's state that the general range of building heights and number of storeys in the ACA should be retained. As a rule of thumb the difference in a buildings height form traditional building should not exceed one and a half storeys. When assessing applications for higher buildings it is advised to take account of the degree to which the new buildings prominence is justified in the streetscape and the extent to which the building detracts or enhances important landmarks and views.

- 7.5.4. The proposed development would fill a large void in the streetscape which provides an opportunity to create a new urban form within the street. The revised Urban Design Statement submitted with further information includes a section on Roden Place ACA. It outlines how the building would interact with the ACA in terms of proposed fenestration, building features, materials and rooflines.
- 7.5.5. I am satisfied that due consideration has been given to the appearance of the proposal and to how it would fit in with the streetscape and the ACA. During the further information process changes were made to the front façade of the proposal. These included alterations to the window shapes and details to reflect the existing and historic proportions on the street and in adjoining buildings. Detailing to the windows and surrounds provides a more vertical emphasis to the building. The symmetry of the windows and balconies provides a visual break in the façade that represents and reflects the historic plot sizes. A physical indentation in the front façade has been provided to the access stairwells on the upper floors which provides a physical break in the front elevation. Overall, I consider that the changes made through further information provide a more appropriate response to the streetscape and the surrounding pattern of development.
- 7.5.6. I do not consider the height of the building to be excessive within the context of the site. Development Plan Guidance for ACA's allows for a variance of up to one and half storeys for new buildings. The parapet of the front façade sets the height and

scale of the building within the streetscape and would present to Francis Street as a four-storey building. The upper level of the building would not be directly visible when viewed from street level. Although Douglas Court is a four-storey building, the top of the proposed parapet would be approximately 2m higher than the eaves level of Douglas Court. It would also be approximately 1.6m higher than the parapet level of the three-storey over basement Georgian terrace on the opposite side of the street. When considered with the setback level, I am satisfied that the overall height variance would be in accordance with that allowable in the Development Plan.

- 7.5.7. There are several Protected Structures on Francis Street and in proximity to the subject site. These include the Courthouse (Ref. No. 13705001), the Town Hall, (Ref. No. 13705008), St. Patrick's Cathedral, (Ref. No. 13705082), and No's 13 – 18 Francis Street (Ref. No's 13705085-13705089 inclusive). Although the Protected Structures are in proximity the proposed development, they do not directly adjoin the site and are not on the same side of the street. As such, I am satisfied that the proposed development would not interrupt views towards the Protected Structures or result in a negative impact on their character and setting. This would include the Court House and St. Patrick's Cathedral which have been identified as buildings of National importance.
- 7.5.8. There appears to be a discrepancy between the floor plan layout drawings and the 3D images submitted with further information. Contextual Image 2 shows open-roofed balconies to the third-floor units facing onto Francis Street. A solid parapet frames the front of these balconies with a roofless void behind. However, Drawing No. 2018-P-204-A, Fourth Floor Plan, shows the balconies to Units 16 and 17 extending over the balconies to Units 11 and 12 below, thus enclosing the space. Clarification may be required on this point of detail. It is my view that the visible void behind the parapet is an attractive feature which also helps to lighten the mass of the building.
- 7.5.9. The appellant also noted that the mural on the gable end of Douglas Court would be obscured. This mural was installed as part of the 'Seek Dundalk' project and has the dual effect of providing a cultural reference and disguising a black gable wall beside a vacant site. The development of the site will improve the streetscape and will hide the existing blank gable wall. On balance the development of the site will add to the overall appearance and vitality of the street and will be of benefit to the town.

7.5.10. Overall, I am satisfied that the advice contained in the Development Management Guidelines for ACA's has been applied to the proposed development and that the historic elements of the ACA have been referenced and that the variance in height is justified in the streetscape. By virtue of its location and its position within the streetscape, the proposed building would not detract from any views towards Protected Structures or result in a negative impact on the character and setting of the Protected Structures.

## 7.6. **Appropriate Assessment**

7.6.1. A Stage 1 Appropriate Assessment was not submitted with the application. The site is not located in, or adjacent to any designated European site. The closest European sites are,

- Dundalk SPA, (Site Code – 004026), approximately 0.85km to the north of the site, and
- Dundalk SCA, (Site Code - 000455), approximately 0.78km to the north of the site.

There is no direct or indirect connection between both sites. As such there is no pathway between the sites.

7.6.2. Having regard to the nature and scale of the proposed development within a serviced urban area, the lack of a direct or indirect hydrological connection and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

8.1. I recommend that planning permission is granted for the development.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the zoning of the site in the Louth County Development Plan 2021 to 2027, for town centre development, the pattern of development in the area, the

nature of the vacant, infill site in the town centre, and, subject to compliance with the conditions below, it is considered that, the proposal would be in accordance with the provisions of the current Louth County Development Plan, would not endanger public safety by reason of traffic hazard, would not injure the residential or visual amenity of property in the vicinity and would, therefore, accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>A. The four-storey projection over the commercial unit to the rear of the proposed development shall be permanently omitted from the scheme.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p><b>Reason:</b> In the interests of visual amenity and to protect the character and setting of the Architectural Conservation Area.</p>
4.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<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><b>Reason:</b> In the interest of public health.</p>
6.	<p>The developer shall engage with Uisce Éireann prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p><b>Reason:</b> In order to ensure a proper standard of development.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interests of sustainable waste management.</p>
8.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed</p>

	<p>scheme. 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><b>Reason:</b> In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interests of residential amenity and proper waste management.</p>
11.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works and shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum of 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
12.	<p>The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas</p>

	<p>not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>A minimum of 39 no. bicycle parking spaces shall be provided within the site. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interests of sustainable transportation.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p><b>Reason:</b> In the interests of residential amenity and public safety.</p>

16.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
17.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>



18.	<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 agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p><b>Reason:</b> 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 for the area.</p>
19.	<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 of roads, footpaths, watermains, drains, open space 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 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><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the</p>

<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Elaine Sullivan  
Planning Inspector

26<sup>th</sup> of January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP – 314627-22		
<b>Proposed Development Summary</b>	. Demolition of a single storey office building; Construction of a 5-storey mixed use building comprising 2 retail/office units 18 no. apartments and associated site works.		
<b>Development Address</b>	. Francis Street, Townparks, Dundalk, Co. Louth.		
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	
<b>Yes</b>	X	500 residential units	Class 10(b)(i)
			<b>Conclusion</b>
			No EIAR or Preliminary Examination required
			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-314627-22	
<b>Proposed Development Summary</b>	Demolition of a single storey office building and construction of a 5-storey mixed use building comprising 2 retail/office units 18 no. apartments and associated site works.	
<b>Development Address</b>	Francis Street, Townparks, Dundalk, Co. Louth.	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for an apartment development on an infill site in a town centre.</p> <p>The development would be connected to the public wastewater and waste services.</p>	<p>No</p> <p>No</p>
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development would be of a commensurate scale to the existing pattern of development.</p>	<p>No</p>

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		<p>No</p>
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)