



An
Bord
Pleanála

Inspector's Report

ABP-314720-22

Development	Construction of 89 dwellings, vehicular access and dedicated pedestrian access.
Location	Red Barns Road, Dundalk, County Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22259
Applicant(s)	Wonderglade Unlimited Company.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Hazel Close Residents.
Observer(s)	Residents of Springfield Manor.
Date of Site Inspection	22 nd November 2023.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 2.5ha, is on Red Barns Road on the eastern side of Dundalk. The site comprises two fields separated by a mature hedge / treeline running east-west across the site. The fields are under grass and are generally level, undulating slightly. The roadside / eastern site boundary comprises a timber rail fence backed by hedging with a section of stone wall at its northern end, other boundaries include a mixture of fencing and mature trees / hedgerow. The site is served by a field gate accessing onto the Red Barns Road. Red Barns Road is of relatively high quality and is provided with a footpath and cyclepath along its western side.
- 1.2. To the northeast of the site lies Rose Cottage, a detached bungalow, bounded by mature hedges to the north, west and south and accessed directly from Red Barns Road. The appeal site incorporates part of the south and west curtilage of this property, the house and entrance are to be retained and are shown outside of the redline site boundary. Development to the north, west and south comprises established two-storey housing. Hazel Close to the north and Willow Dale to the west are part of the Bay Estate, while Springfield Manor, a residential cul-de-sac to the south is accessed separately from Red Barns Road. Lands to the east of the site, on the opposite side of Red Barns Road are predominantly undeveloped.

2.0 Proposed Development

- 2.1. The proposed development comprises 89 no. new residential units in a mix of apartments and houses, as follows:

Table 2.1: Housing Mix		
Type	Number	Percentage
House		
2-bed	15	17%
3-bed	37	41%
4-bed	8	9%

Apartment		
1-bed	14	16%
2-bed	15	17%

- 2.2. A new vehicular access and a dedicated pedestrian access will be provided off Red Barns Road. The application also provides for car and bicycle parking, landscaping, open space, and boundary treatments, retaining walls and public lighting and all associated site development works. Site levels are to be raised to accommodate the proposed development.
- 2.3. Table 2.2 below provides a summary of the key aspects of the proposed development:

Table 2.2: Site Statistics and Development Details:		
Site Area	2.5ha	
No. Of Residential Units	Total	89
	Houses	60
	Apartments	29
Housing Mix	Refer to table 2.1 above	
Density	35units /ha	
Dual Aspect	41%	
Height	Apartment Block: Three storeys. 10.65m Housing: Two storeys, 8.827m	
Finishes	External Walls	Select brick, painted render, grey slate panels, metal cladding,
	Roof	Dark Grey tile
Parking	Car Parking	157no spaces (37no spaces for apartments; 120no space for houses)

	Cycle Parking	50spaces
Open Space	Public	0.32ha (12.8%)
	Communal	220sqm
Access	New vehicular access and a dedicated pedestrian access off Red Barns Road	

2.5. The application is accompanied by:

- Planning Statement
- Appropriate Assessment Screening
- Site Specific Flood Risk Assessment
- Archaeological Impact Assessment
- Bat Survey
- Report on Services
- Landscape Management Plan
- Building Lifecycle Report
- Housing Quality Assessment
- Architects Design Statement
- Childcare Capacity & Demand Assessment
- School Place Demand Assessment

3.0 **Planning Authority Decision**

3.1. **Decision**

Following an initial request for further information, Louth County Council did by order dated 2nd September 2022 decide to grant permission for the proposed development

subject to 18no conditions. The conditions are standard for residential schemes of the nature / scale proposed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial report of the Local Authority Case Planner (May 2022) has regard to the locational context and planning history of the site, to relevant planning policy and to the third-party submissions and departmental reports received.
- A preliminary examination of the proposed development was undertaken with respect to the need for EIA. It was determined that due to the nature, size, and location of the development etc the need for EIA can be ruled out. It was also determined, following screening, that a stage 2 appropriate assessment was not required.
- The proposal was considered satisfactory in terms of the principle of development, design, access, and other siting criteria. The report concluded with a request for further information on issues relating to infrastructure (roads, parking, public lighting etc), surface water, landscaping, and boundary treatment. The applicant was also given the opportunity to respond to the issues raised by third parties.
- The second report of the case planner (August 2022) has regard to the further information received on the 15th of August 2022 and to the report of the Infrastructure Section. The Case Planner was satisfied that the issues raised in the further information request were satisfactorily addressed. The report concludes with a recommendation to grant permission subject to 18no. conditions, generally as per final decision.

3.2.2. Other Technical Reports

Infrastructure: May 2022 - Requests further information
 Aug 2022 – No objection subject to condition

3.3. Prescribed Bodies

Uisce Eireann: No objection subject to standard conditions.

3.4. Third Party Observations

The planning authority received a number of third-party submissions during the course of their determination of the application. Submissions were received from residents of the neighbouring estates of Hazel Close, Willowdale, and Springfield Manor. The primary issues of concern are similar to those raised in the grounds of appeal and observation received and relate to the proposed pedestrian / cycle link to Hazel Close and flood risk. Concerns were also raised regarding the potential impact of the development on existing properties in Willowdale particularly in respect to possible overlooking.

4.0 Planning History

ABP-306304-20 (LCC Ref:19/413) permission refused for 91 no. residential units and refurbishment of existing Rose Cottage for one reason as follows:

- 1 The proposed development is located in an area which is identified as being at risk of coastal flooding and which is served by a single means of access via Red Barns Road. Having regard to the existing levels on this road and predicted flood levels in this area as identified in the submitted Flood Risk Assessment, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that safe routine or emergency access and egress to the proposed development can be maintained during flood events. Notwithstanding the proposed increase in ground levels on the site, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

5.1.1. Zoning:

The subject site is zoned 'A1: Existing Residential' with an objective to protect and enhance the amenity and character of existing residential communities.

The Development plan set out the following guidance for the development of A1 lands: *The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.*

5.1.2. Chapter 2 - Settlement Hierarchy / Core Strategy

5.1.3. Table 2.4 of the County Development Plan sets out the settlement hierarchy for County Louth. Drogheda and Dundalk are designated as Regional Growth Centres. The Plan set out the following guidance for these centres:

“Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area”.

5.1.4. The following policy objectives are of note.

- *Policy Objective CS 2: 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.

- *Policy Objective 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.

5.1.5. Chapter 10 –Infrastructure & Public Utilities

10.3 Flood Risk Management

- *Policy Objective IU 27*: To ensure all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” 2009. Proposals for development identified as being vulnerable to flooding must be supported by a site-specific Flood Risk Assessment and demonstrate to the satisfaction of the Planning Authority that the development and its infrastructure will avoid significant risks of flooding and not exacerbate flooding elsewhere.

The County Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping should be consulted by prospective applicants for developments in this regard and will be made available to lower-tier Development Management processes in the Council. Applications for development in flood vulnerable zones, including those at risk under the OPW's Mid-Range Future Scenario, shall provide details of structural and non-structural risk management measures, such as those relating to floor levels, internal layout, flood-resilient construction, emergency response planning and access and egress during flood events.

5.1.6. Chapter 13 - Development Management

Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following sections are of note:

- *Section 13.8.4* relates to Density and Plot Ratio. Recommended densities and maximum plot ratios for Dundalk are set out within Table 13.3. as follows:

Minimum Density:	Town/ Village Centre:	50 units per ha,
	Edge of Settlement:	35 units per ha

Plot Ratio:	Town/Village Centre:	2
	Edge of Settlement:	1

- *Section 13.8.9* relates to Residential Amenity. In terms of privacy, the Development Plan sets out the following guidance: *“Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings”* There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis”.
- *Section 13.9.15* outlines that Public Open Space within a development shall normally equate to 15% of the total site area. In developments where the standard of the open space is of a high quality due to its location, functionality and any additional detailing proposed e.g. paving, landscaping or surfaced play areas and equipment, a reduced rate of open space may be acceptable. Such a reduction will be assessed on a case-by-case basis.

5.2. **Flood Risk Management Plan for the Neagh Bann River Basin (UOM06) 2018**

Dundalk and Blackrock South are affected by flooding from 0.5% AEP coastal, 0.5% AEP wave overtopping and 1% AEP fluvial flood events. A substantial number of

residential and business properties are at risk of flooding. As a result, there are significant damages and risks in the area for present day and future scenarios. These risks are quantified in the assessment.

The preferred solutions for Dundalk and Blackrock South AFA comprise potential routes for Hard Defences, combined with improvement of channel conveyance, to provide the required standard of protection. This would protect to the 0.5% coastal events and the 1% AEP fluvial flood event.

The conclusion of the SFRA is to progress the project-level development and assessment of a Flood Relief Scheme for Dundalk and Blackrock South.

5.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019

Dundalk lies within the Gateway Region and is identified as Regional Growth Centre. These are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wider catchment. A key priority of the RSES is to promote the continued sustainable and compact growth of Dundalk as a regional driver of city scale with a target population of 50,000 by 2031.

5.4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

5.5. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. The closest sites are Dundalk Bay SPA and SAC, located approx. 1km east of the site.

5.6. EIA Screening

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. See *completed Form 2 on file.*

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, submitted on behalf of Hazel Close Residents, against the decision of the planning authority to grant permission for the proposed residential development at, Red Barns Road, Dundalk, Co. Louth. The issues raised in the grounds of appeal have been grouped and are summarised as follows:

- *The Principle of Development:* - The proposed development would be contrary to the 'A1' residential zoning objective for the site because it would have a detrimental impact on the residential amenities of properties in Hazel Close though the alteration of the existing cul-de-sac community, and a profound detrimental impact on properties from inadequately attenuated surface water run-off and displaced coastal flood waters.
- *Reconciliation with Appeal Ref: ABP – 306304-20:* - The current proposal fails to adequately address the reason cited for refusal under An Bord Pleanála Ref: ABP306304-20, instead the current application seeks to duplicate the previously unacceptable layout and entrance arrangements by providing a new SSFRA which concludes that access to the site via the Red Barns Road can now be maintained during a flood event.

The applicants were requested at further information stage to address the concerns raised by third parties. The applicant's response and the Planning Authority's assessment of same, failed to adequately address the previous refusal reason.

- *Pedestrian / cycle Link*: - The proposed construction of pedestrian / cyclist access link to Hazel Close would fundamentally alter the character, setting and peace and quiet of the existing cul-de-sac and lead to a risk of anti-social behaviour. Lack of detail regarding the design of the pedestrian link and how it is to connect with existing pedestrian facilities in Hazel Close is also raised as a concern.
- *Apartment Block*: - The proposed three storey apartment block, due to its scale, mass, bulk and excessive dimensions and footprint, is physically and visually incongruous with the grain of surrounding development – two storey dwellings.
- *Flood risk*: - The appeal site and much of the surrounding land are designated Flood Zone A or Flood Zone B. There are other more desirable residential zoned lands available for development in Dundalk.

The applicants have not satisfactorily established that the raising of the appeal site by 1.22m as a mitigation measure will not result in greater possibility and likelihood of displacing flood water to adjoining lands and properties.

- *Surface Water*: - The applicant has not properly established that the proposed surface water / storm water drainage design will entirely protect adjoining properties existing percolation and attenuation characteristics. The appeal site acts as natural attenuation which will fundamentally be altered by the proposed development. The proposed pedestrian access to Hazel Close will act as a funnel for excess levels of surface water resulting in flooding on the cul-de-sac.

6.2. Applicant Response

The applicant's response to the issues raised in the grounds of appeal is set out in correspondence received on the 27th of October 2022 and can be summarised as follows:

Pedestrian / Cycle Access to Hazel Close

- The applicant is proposing to facilitate provision of this connection by bringing the pathway and associate works up to the boundary and is willing to work with the Council to tie in with any future works required to facilitate.
- The facilitation of the proposed pedestrian connection is in the interest of permeability and in keeping with the development plan.
- The applicant notes the concerns of the appellant but is of the opinion that this connection will not attract anti-social behaviour. The development of this site may prevent anti-social behaviour.
- The link is not an obvious desire line for pedestrians but will facilitate access to the school and shop in Bay Estate for future residents, to coastal amenities to the east of Red Barns Road and potentially to future employment areas to the south.
- The design of the proposed connection in terms of active frontage, boundary treatments and passive surveillance of this connection has been considered in detail.

SSFA and Displacement of Coastal Flood Waters

- The appellants provide no evidence base for their assertions that the SSFRA is not accurate or reliable.
- Following the decision of ABP to refuse permission for ABP306304-20 a detailed review of the information used for the flood risk assessment was undertaken.
- The SSFRA prepared for this application utilises the most appropriate and applicable OPQ CFRAMS Hydrological Estimation Point for the processes of potential extreme coastal flood levels at the location of the application site.
- The SSFRA does not state that no flood water will be displaced.
- Compensatory measures are not required for coastal or tidal flooding.
- The Strategic Flood Risk Assessment for the Louth County Development Plan 2021-207 includes a zoning map for Dundalk and a justification test for zoned sites, including the appeal site. The future development of this site is

recognised as assisting in the consolidation and delivery of compact growth in Dundalk.

- The site with mitigation measures in place can be development without risk of flooding to future residents or increasing the flood risk elsewhere.

Attenuation of Surface Water and Run-off:

- No evidence is provided to support the applicant's assertion that the site has historically acted as attenuation for the surrounding area.
- The FRA states that the proposed development will have no adverse impact to the existing hydrological regime of the area and would not cause flood risk elsewhere.
- All surface water will be conveyed to the public network at an attenuated greenfield rate.
- The proposed storm water drainage layout design takes account of the difference in levels between the application site and surrounding areas by including perforated land drains within rear gardens which connect to the proposed surface water sewer before discharging to the public network.
- The design calculations demonstrate that the proposed surface water system can cater for rainfall events which would have a return period of 1 year, 30years and 100years without having an adverse effect on the site or adjacent lands.
- This assessment takes into account both short intensive rainfall events as well as prolonged rainfall events.

National Guidance and County Development Plan Policy Objectives:

- Permitted 89 new residential units on lands which are zoned for residential use would comply with the core strategy policies and is not in conflict with the Louth County Development Plan.
- The proposed residential infill development is wholly appropriate in this urban location and responds to the existing pattern of development in the area to prevent significant effect on the existing amenities or surrounding properties.

Overcoming the Previous Refusal Reason:

- The proposed development not only addresses the previous reason for refusal under ABP306304-20 but has taken account of the Inspectors Report in terms of design improvements.
- The proposed location of the vehicular access onto Red Barns Road represents the optimum solution for this site. there would be no advantage to provide a second vehicular entrance onto Red Barns Road.

6.3. Planning Authority Response

The planning authority's response to the issues raised in the grounds of appeal is set out in correspondence received on the 24th of October 2022 and can be summarised as follows:

- The site is appropriately zoned for residential development. The residential amenity or character of the area will not be adversely impacted or affected by the proposal.
- The applicant has shown in the SSFRA that the main vehicular access can safely be used by vehicles, including emergency vehicles, to enter and egress the site.
- The Councils assessment of flood risk is not in any way vague or dissuasive and is based on professional advice of the infrastructure section.
- The proposed pedestrian/cycle link will have passive surveillance, no part is hidden or concealed. The proposed link would improve connectivity for pedestrians and cyclists in navigating the area more efficiently in line with national and local policy.
- The development of this site will serve to resolve or significantly reduce the existing anti-social behaviour or other problems in this currently undeveloped field.
- The three storey apartments are an appropriate design, scale and height and are in no way incongruous with surrounding development.
- The SSFRA submitted with the application concludes that the single refusal reason cited under ABP306304-20 can be satisfactorily addressed and

overcome, in that safe access and egress to the development for emergency vehicles can be achieved.

- The Board is respectfully requested to uphold the decision of the Planning Authority to grant permission for the proposed development.

6.4. Observations

One observation to this appeal has been received from the residents of Springfield Manor, the neighbouring housing scheme to the south of the appeal site. The observation concerns itself with the issue of flood risk.

Concerns are raised regarding the applicant's approach in addressing the previous grounds for refusal. The observers query the rationale presented for the change in the design flood level and the validity of using a flood level within the channel of the Blackwater River. They do not accept the case made in the FRA that no flood waters shall approach the site from the east due to breaching or overtopping of the existing sub-standard coastal protection embankment. They consider that any proposal to allow further residential development within an identified flood area in advance of planned upgrade works would not represent good planning.

6.5. Further Responses

None

7.0 Assessment

7.1. Introduction

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

- Zoning and Policy Compliance
- Permeability

- Flood Risk
- Surface Water Drainage
- Appropriate Assessment

7.2. Zoning and Policy Compliance:

- 7.2.1. The appeal site comprises an area of greenfield on the eastern edge of the settlement of Dundalk. Dundalk is designated a Level 2 Regional Growth Centre in the Louth County Development Plan 2021-2027 (LCDP). The site is zoned 'A1 Existing Residential' – *To protect and enhance the amenity and character of existing residential communities*. Residential is listed as a “permissible use” within the zoning. The objective for the A1 zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.
- 7.2.2. The appeal site is an infill site that is bounded by residential development to the north, west and south and open spaces to the east. Existing residential development in the vicinity of the site comprises mainly semi-detached, two-story houses with detached properties fronting onto Red Barns Road. The proposal comprises a total of 89no. residential units in the form of 60no houses and 29no. apartments. All houses are two-storey with a mix of detached and semi-detached formats proposed. The apartments are proposed in a single, three-story block that is positioned towards the centre of the site, fronting onto Red Barns Road. While I note the concerns raised by third-party appellants, relating to the introduction of a three-storey apartment block into an area of predominantly two-storey dwellings, having visited the site and surrounding area, I am satisfied that the proposed apartment block is compatible with character and pattern of development in the area. Furthermore, I am satisfied that the application site can accommodate a structure of the nature, scale and height proposed without unduly impacting the amenities of the area or existing properties.

- 7.2.3. The density of the proposed development, at 35 units per hectare, is at the lower end of national policy guidance, however, it would accord with the recommended minimum density for edge of settlement sites in Dundalk as set out in the LCDP 2021-2027 and would be in line with the prevailing pattern and character of residential development in the area.
- 7.2.4. The overall design and mix of unit types proposed is I consider acceptable. A Housing Quality Assessment was submitted with the application. This document sets out how the proposed housing and apartments are designed to meet the standards of Quality Housing for Sustainable Communities (2007) and Sustainable Urban Housing: Design Standards for New Apartments. The floor area targets prescribed in the aforementioned documents are met or exceeded in all cases. Housing Units, House A, B, C and G, fall short of the recommended standard for storage provision; however, the applicants have indicated that additional storage, in the form of garden sheds, access to attic, can be provided.
- 7.2.5. The development provides approx. 0.32 ha of open space or approx. 12.8% of site area which I consider is adequate for this location having regard to the proximity of the site to coastal amenity areas and to active recreational amenity areas to the south. Each of the proposed housing units are provided with an area of private open space in the form of rear gardens, ranging in size from 74sqm-223sqm. The recommended 22m separation distance between directly opposing rear first floor windows has been achieved. Private open space for the proposed apartment units is provided in the form of ground floor terraces and balconies, all of which meet or exceed the required standard. Apartments are also provided with 220sqm of communal open space, this area exceeds the minimum required standard of 166sqm.
- 7.2.6. As previously noted, the appeal is within an area zoned 'A1- Existing Residential', the impact of the proposed development on the amenities of surrounding properties is a key consideration for new development within this zoning. The appeal site is bounded by the residential areas of Hazel Close to the north, Willow Dale to the west and Springfield Manor to the south. The proposed development, in terms of its layout, design, scale and form, is I consider compatible with the established

character and pattern of residential development in the area. The development proposes significant increases in ground levels throughout the site resulting in a disparity in ground levels between the appeal site and adjoining lands. The difference in levels is shown on Drawing Nos – 2145-2/103/R1 and 2145/105/R1 received by the Planning Authority 15th August 2022. The change in ground level is I consider relevant in the consideration of potential impact on adjoining properties. The proposed housing generally backs onto an internal estate road with Hazel Grove to the north and to an area of public open space with Springfield Manor to the south. Proposed Unit No.37 is positioned side-on and to the front of No.6 Hazel Grove. As a result of the change in ground levels, the ridge level of No.37 will be c3.1m above that of No.6 Hazel Grove, which is a notable difference; however, the available separation distance of c10.7m between the gable ends of both housing units is I considered sufficient to negate any significant overbearing impacts. Similarly, to the south, the separation distance of c8m would be sufficient to ensure that no significant undue overbearing impacts arise as a result of the c1.7m difference in the ridge levels of proposed Unit No.11 and No. 17 Springfield Manor. With regard to properties in Willow Dale, I note that separation between the rear elevation of houses generally exceeds 30m and in all instances exceeds 25m. The difference in floor levels should not give rise to undue impacts on residential amenity in terms of overlooking, overbearing or visual amenity.

- 7.2.7. In conclusion, I consider that the principle of a residential development is acceptable and would accord with the 'A1' zoning as set out in the Louth County Development Plan. The density of the development, while somewhat low, is consistent with the prevailing pattern of development within this immediate vicinity of the site, and thus may be deemed acceptable in this instance. I have no objections in principle to the design presented and would be satisfied that the development, if permitted, would provide for an adequate level of privacy and amenity for future occupants and would not have an undue impact on the level of amenity current experienced by existing residents.

7.3. Permeability

- 7.3.1. The scheme for consideration by the Board includes proposals to facilitate a pedestrian / cycle link to Hazel Close, the adjoining residential cul-de-sac to the north and part of the Bay Estate. In accordance with the details submitted in support of the application, this link was introduced into the design on foot of comments made by the Board Inspector under ABP-306304-20. The third-party appellants, as residents of the cul-de-sac, are concerned that the construction of this link would fundamentally alter the character of Hazel Close; that it would unduly impact the privacy and amenity of properties on the cul-de-sac and attract anti-social behaviour. Issues relating to the deliverability of this link and how it is to connect with existing pedestrian facilities in Hazel Close are also raised.
- 7.3.2. In principle I would support the provision of a pedestrian / cycle link between the appeal site and the adjoining residential development to the north as I consider that such a proposal would improve the level of permeability / connectivity in the area for both pedestrians and cyclists, thereby encouraging a move towards more sustainable modes of transport in line with local and national planning policy and guidance. The proposed link would facilitate significantly reduced pedestrian journeys to shops and to the local national school within the Bay Estate, for future residents.
- 7.3.3. The proposed link is located at the north-west corner of the appeal site, c150m from the closest pedestrian entrance onto Red Barns Road. The proposed link, due to its location I consider unlikely to attract a significant volume of users from outside the Bay Estate area and its use is unlikely to generate levels of noise / disturbance beyond what would normally be experienced in residential areas. The proposed link will be directly overlooked by the house No's 34-38 within the proposed scheme as well as existing houses in Hazel Close, this high level of passive supervision should help to discourage anti-social behaviour.
- 7.3.4. The provision of the proposed pedestrian / cycle link will necessitate works on lands within Hazel Close which are outside of the applicant's control; however, it would appear from the information available that Hazel Close has been taken in charge by

Louth County Council. The applicants have stated that they are willing to work with the Council to facilitate the necessary tie-in works and I note that the Council have not raised any objection to the proposal. I note the level differences between the proposed scheme and the adjoining Hazel Grove development. The details of this link and how it will connect with existing facilities in Hazel Close will need to be carefully considered and designed to optimise universal access. This I consider can be dealt with by way of an appropriate condition.

- 7.3.5. In summary, I am satisfied that the applicant's proposal to facilitate a pedestrian / cycle link between the proposed development and Hazel Close is acceptable subject to agreement with the Planning Authority.

7.4. Flooding

- 7.4.1. Extensive areas of Dundalk, including the appeal site and surrounding lands have been identified as being at risk of flooding. A justification test for the subject site was undertaken as part of the Strategic Flood Risk Assessment for Louth County Development Plan 2021-2027. This effectively concluded that the zoning and development of these lands for residential use was justified on the basis that it would support compact growth and help to consolidate the established built-up area of the town. Any development of these lands would however be subject to site-specific flood risk assessment to mitigate against flood risk.
- 7.4.2. The Board will note that planning permission has previously been refused for a residential development on this site (LCC Planning Ref: 19/413; ABP Ref: 306304-20). The single refusal reason cited in the Board's decision related to flood risk. In essence the Board was not satisfied, having regard to the existing levels on the Red Barn Road and predicted flood levels in the area, that safe routine or emergency access and egress to the proposed development could be maintained during flood events. The Board's decision, made following a Section 137 Notice, accords with the Inspectors recommendation. The Inspector in his addendum report (22/12/2020) noted that the coastal flood level used to assess the risk of flooding on the Red Barns Road in the applicant's response to the Board's S.137 notice, was significantly

lower than the design flood level referenced in the original Flood Risk Assessment report submitted with the application, with no explanation for the change. This inconsistency led to uncertainty in the inspector's assessment of the case and ultimately to the decision to refuse permission.

- 7.4.3. A revised Site-Specific Flood Risk Assessment (SSFRA), prepared by IE Consultants, has been submitted in support of this current application. The screening assessment undertaken as part of the SSFRA indicates that the primary potential flood risk to the proposed development site can be attributed to potential coastal/tidal flooding with no significant risk from fluvial, pluvial, or ground water flooding identified. The assessment indicates that the appeal site may be impacted due to the occurrence of an extreme current scenario or mid-range future climate change scenario 0.5% AEP (1 in 200 year) or 0.1% AEP (1 in a 1000 year) coastal/tidal flood event.
- 7.4.4. Figure 20 (Page 29) of the SSFRA details extreme coastal/tidal flood levels for the general location of the proposed development site. These levels were derived as part of the OPW Northwestern Neagh Bann CFRAM study. The HEP (hydrological estimation point), referenced as OPW CFRAMS Node 0617MOO229J, was chosen for assessment purposes. This HEP is shown to be located c334m to the north of the site and in accordance with the details provided, was chosen due to its location as the closest HEP node point to the application site.
- 7.4.5. Node 0617MOO229J shows a tidal flood level of 3.01m OD and 3.57m OD for the 0.5% and 0.1% flood events respectively. It is noted that the tidal flood levels identified at Node 0617MOO229J are lower than those referenced in the flood risk assessment reports submitted under the previous application (LCC Ref:19/413 / ABP.Ref:306304-20), which were 3.72m OD and 3.95m OD for the 0.5% and 0.1% flood events respectively. Previous levels were derived from HEPs located approximately 1.8km – 2.2km to the east of the proposed development site and beyond the coastal foreshore.
- 7.4.6. The use of the lower flood levels at HEP Node 0617MOO229J to inform the SSFRA and the mitigation measures proposed thereunder, is raised as an issue of concern

by third parties. This matter is addressed in Section 6.1 of SSFRA. Essentially it is argued that the use of flood levels at HEP Node 0617MOO229J, being the closest HEP to the application site, provide a more accurate representation of predicted flood levels relevant to the location of the proposed development than HEP's located further away and beyond the coastal foreshore. HEP Node points provide predictive flood data relative to the specific location of the actual HEP. It is the contention of the consultants that it is too simplistic to apply predictive flood data from HEP's located beyond the coastal foreshore to a point located a number of kilometres inland; because, the complex interaction and influence of overflow flow conveyance, terrain characteristics and other hydrodynamic influences are not taken into consideration if simply applying flood data from a HEP beyond the coastal foreshore to an inland location. The case put forward by the consultants in this regard is I consider reasonable and justified.

7.4.7. As previously noted, CFRAMS Node 0617MOO229J predicts tidal depths of 3.01m OD and 3.57m OD for the 0.5% and 0.1% flood events respectively, this increases to 3.51m and 4.07m OD when considering the mid-range future Climate Change scenario. The site is identified as highly vulnerable, located within Flood Zones A and B.

7.4.8. The following mitigation measures are identified in Section 7 of the SSFRA:

- Finished floor levels set above 3.81 OD, which includes 0.3m freeboard above the 1:200 climate change scenario.
- The finished road levels within the boundary of the proposed development should be constructed to a minimum level equal to the predictive 0.1% AEP current scenario coastal /tidal flood level application to this proposed development site – i.e., 3.57m OD.

7.4.9. In terms of the Development Management Justification Test, the SSFRA notes that:

- 1 The lands have been zoned 'residential' under the Louth County Development Plan, the operative plan for the area and in respect of which the local authority undertook a SFRA and justification test.

- 2 (i) The volume of coastal /tidal flood waters potentially displaced due to the development as proposed is imperceptible and the potential impact of this would be unquantifiable. In this regard the development as proposed would not result in an adverse impact to existing hydrological regime of the area or increase flood risk elsewhere.

(ii) Raising ground levels shall ensure that potential flood risk to people, property, the economy, and environment associated with the proposed development site shall be minimised as far as reasonably possible.

(iii) in consideration of the occurrence of an extreme 0.5% AEP (1 in 200 year) coastal/tidal flood event, the maximum predicted depth of flood water on the Red Barns Road between the proposed development access and the R172 and along the R172 are not considered to be significant and would not result in an impedance or restriction of emergency vehicular access to or egress from the proposed development site. Potential residual risk to the proposed development site is considered to be low. The proposal does not depend on the adequacy of any flood protection measures or the design, implementation, and funding of any future flood risk management measures.

(IV) The development as proposed meets with national guidance relating to urban design in terms of building height the achievement of active street frontage and efficient residential density.

7.4.10. I am satisfied that the specific design measures, comprising the increase in ground levels on site, will mitigate the risk of inundation of proposed dwelling units. The Board will note that the FFL's of all proposed houses exceed the levels recommended in the SSFRA (by up to c0.8m), in accordance with the details submitted this is to facilitate drainage and infrastructure associated with the proposed development. The increase in ground levels would appear to be required

to facilitate gravity flow within the surface water drainage system. As previously established, I am satisfied that the design and layout of the proposed development including the extent of ground works proposed would not have a significant negative impact on the amenities of the area or adjoining properties.

7.4.11. With regard to access, I note that the topographic surveys submitted with the application identify existing levels adjoining the site on the Red Barns Road to be in the range of 2.478m to 2.881m OD. In accordance with Section 6.3 of the SSFRA, topographical survey information was used to develop a Digital Terrain Model (DTM) of the site and adjoining road network (Red Barns Road and R172.) Specialist software was then used to determine the range of flood water depths that may possibly inundate the roads during the occurrence of an extreme 0.5% AEP (1 in 200 year) coastal /tidal flood event. During the occurrence of an extreme 0.5% AEP (1 in 200 year) coastal /tidal flood event the depth of flood waters that may inundate the area of Red Barns Road between the proposed development access road and the R172 roundabout are predicated to be in the range of 0.0-0.34m maximum. The predicted depth of flood waters that may impact the area of the R172 road are predicted to be in the range of 0.0-0.085m maximum. The maximum flood level depths predicted are not considered to be significant and would not result in an impedance or restriction of emergency vehicular access to or egress from the proposed development site.

7.4.12. Third parties have raised the potential for displacement of flood waters and impacts on the drainage of their lands arising from the proposed development. This matter was considered in Section 6.5 of the SSFRA. In consideration of the occurrence of the 0.1% AEP (1 in 1000 year) flood event, the volume of flood waters that may inundate the site, and which therefore may be displaced due to the site development, has been determined as approximately 34,298m³, which is described as 'absolutely imperceptible' I consider it reasonable to conclude that given the tidal nature of the flooding risk, displacement flood effects are not likely to be significant.

Conclusion

7.4.13. I note the content, findings and recommendations of the SSFRA and I am satisfied, on the basis of the information available, that the flood risk to the proposed development site can be managed to an acceptable level, that the development of this site as proposed, would be unlikely to have a significant adverse impact the existing hydrological regime of the area, would be unlikely to exacerbate the risk of flooding elsewhere and would not result in an impedance or restriction of emergency vehicular access to or egress from the proposed development site. on this basis, I am satisfied that the proposal is acceptable from a flood risk perspective.

7.5. Surface Water Drainage

- 7.5.1. The site is green field, currently characterised by a series of open ditches which generally drain in an east to west direction. An existing 600mmØ surface water pipe extends along the western boundary of the subject site. As detailed on Drawing No. 2145-202 this sewer is located outside of the subject site. The surrounding area is low lying, and the site shows evidence of poor drainage.
- 7.5.2. The development proposes the collection of surface water run-off from impermeable surfaces within the site and attenuation storage prior to discharge to the public surface water sewer in Springfield Manor to the south. The surface water sewer in Springfield Manor flows south and then west to connect into the existing sewer running north along the western boundary of the site. Due to level constraints, surface waters on the access roadway at the entrance will drain to proposed soakaways either side of the entrance. A hydro-slide flow control device is to be installed on the surface water network downstream from the attenuation system, this will restrict the flow to 50% of pre-development flow rates. A petrol interceptor is to be provided to protect the quality of receiving waters. Design calculations carried out on the surface water network indicate that the proposed system can cater for rainfall events with a return period of 1 year, 30 years and 100 years, without having an adverse effect on the site or adjoining lands.
- 7.5.3. Ground levels across the site are to be increased. As detailed on Drawing No. 2145-105 Rev1, proposed ground levels at the western boundary will be approx. 0.8m

over adjoining ground levels to the west, rising to the east such that finished floor levels will be approx. 2.1m over existing ground levels. A block retaining wall is to be provided along the western boundary. A perimeter land drain is to be provided inside this wall, and similarly along the northern and southern site boundaries, to intercept run-off from the appeal site and connect into the proposed surface water drainage system. The proposed perimeter land drain connects to the surface water network upstream of the proposed hydro-slide device. In accordance with the details submitted the additional flow from the perimeter land drain has been accounted for within the surface water calculations.

7.5.4. The third-party appellants are concerned that the proposed pedestrian/cycle connection at the north of the site to Hazel Close will act as a funnel for surface water allowing it to spill out of the application site and into Hazel Close. In response the applicants have confirmed that the appropriate surface water drainage measures can be incorporated into the design of the pedestrian/cycle connection. This matter may be addressed by way of condition in the event of a grant of planning permission.

7.5.5. Following consideration of the information submitted with the application and appeal, including submissions received, I am satisfied that the applicant's approach to the management of surface water on site is acceptable. In particular, I am satisfied that it has been demonstrated that surface waters generated on site can be collected and disposed of in an appropriate and sustainable manner and that the development of this site as proposed would not result in the displacement of surface water. I note that the Local Authority raised no concerns with the proposals subject to compliance with standard conditions.

7.6. **Appropriate Assessment Screening**

7.6.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment

of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

- 7.6.2. The project comprises residential scheme of 89 units on greenfield lands at the eastern edge of Dundalk. The site is served by public mains water and foul drainage. If permitted the proposed scheme would be subject to a connection agreement with Uisce Eireann. Following attenuation, surface water will discharge to the public system, and ultimately to Dundalk Bay via the Blackwater River. SuDS measures are to be incorporated into the design of the drainage system.
- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.6.4. A Habitats Directive Screening Statement for the proposed development was submitted with the application. The assessment provides a description of the project site including the nature of existing vegetation and fauna activity. In accordance with the details provided, the site contains typical species and communities for old pastureland and is most unlikely to contain rare species / features of interest. No invasive species occur.
- 7.6.5. Relevant European sites are identified as Dundalk Bay SPA and SAC, connected through local drainage. Other sites in the wider area are not connected to the subject site and are therefore screened out. This conclusion is considered reasonable. Dundalk Bay is identified as the premier site for waders in the country and includes several habitat types. Qualifying Interests are set out below:

Site Code and Name	Qualifying Interests
000455 Dundalk Bay SAC	Estuaries Mudflats and sandflats not covered at low tide Perennial vegetation of stony banks Salicornia and other annuals colonizing mud and sand Atlantic salt meadows Mediterranean salt meadows
004026 Dundalk Bay SPA	Greylag Goose; Grey Plover; Light-bellied Brent Goose; Lapwing; Shelduck; Knot; Teal Anas; Dunlin; Mallard; Black-tailed Godwit; Pintail Bar-tailed Godwit; Common Scoter; Curlew Numenius; Great Crested; Redshank; Red-breasted Merganser; Black-headed Gull; Oystercatcher; Common Gull; Ringed Plover; Herring Gull; Golden Plover; Wetlands & Waterbirds

7.6.6. As the subject site is not located within the SAC / SPA any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. However, given the scale of the proposed development, the indirect connection, and the distance from the closest European site, I am satisfied that the proposed development would not be likely to give rise to significant effects on any European site, either individually or in combination with any other plan or project. Having reviewed the documents on file, and having regard to the nature and scale of the proposed development and the location if the site in a serviced settlement with an indirect connection via a hydrological pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the development would 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 permission be granted subject to condition as outlined below.

9.0 Reasons and Considerations

Having regard to the objectives of the Louth County Development Plan 2021-2027, the nature, scale and design of the proposed development, its location within an established residential area and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of August 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, details of the materials, colours, and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority.</p>

	<p>Reason: In the interest of visual amenity.</p>
3.	<p>The developer shall facilitate the provision of a new pedestrian / cycle link between the application site and the adjoining residential development of Hazel Close. Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority detailed design proposals for the pedestrian / cycle link including proposals for public lighting and surface water drainage.</p> <p>Reason: In the interests of residential amenity, permeability and proper planning and sustainable development.</p>
4.	<p>A minimum of two (2) communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
5.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) 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>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

6.	<p>The landscaping scheme shown on Drawing No. 19-014 L101, submitted to the planning authority on the 5th day of April, 2022, shall be carried out within the first planting season following the commencement of the development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting of the proposed pedestrian /cycle link with Hazel Close, 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 house.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
10.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
11.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
13.	<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>

	Reason: In the interest of sustainable waste management.
14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development</p>
16.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p>

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

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.

Lucy Roche
Planning Inspector

15th January 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	314720-22		
Proposed Development Summary	Construction of 89 dwellings, vehicular access and dedicated pedestrian access		
Development Address	Red Barns Road, Dundalk, Co Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X	The development involves 89 no. residential units on an overall site of c. 2.5ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.	Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required

Yes	X	<p>Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____


Date: _____

Appendix Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	314720-22	
Proposed Development Summary	Construction of 89 dwellings, vehicular access and dedicated pedestrian access	
Development Address	Red Barns Road, Dundalk, Co Louth	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development 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>	<ul style="list-style-type: none"> • The site is located within an established residential area which served by public mains water and sewerage and is well served by social infrastructure. • Localised construction impacts will be temporary. • The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area. 	

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<ul style="list-style-type: none"> • The size of the development is not exceptional in the context of the existing built-up urban environment. • Given the nature, scale and location of the proposed within an established residential area, no significant cumulative impacts are anticipated. 	
<p>Location of the Development</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>	<ul style="list-style-type: none"> • The site is not within a European site, the closest designated sites are those associated with Dundalk Bay to the north and east, c1.1km at its closest point. Any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. • The proposed development site is located within Flood Zone A. A flood risk assessment has been submitted with the application. Any issues arising can be addressed as part of the assessment of the application. 	
<p>Conclusion</p>		

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
		

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)