



An
Bord
Pleanála

Inspector's Report

ABP-314889-22

Development	Demolition of derelict cottage. Construction of 28 no. units, electrical sub-station and associated site works.
Location	Richard Taaffes Holding, Father Finn Park/Green Road, Louth Village, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22/362
Applicant	Hollywood Developments.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellants	Michael Lindon. Patrick Malone
Observer	Michael Lindon Senior.
Date of Site Inspection	11/08/2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The appeal site is located on residential zoned land proximate to the centre of Louth Village and c. 10km to the south west of the settlement of Dundalk. The site comprises predominantly undeveloped agricultural lands which are currently under grass. There is also an existing single storey dwelling located within the site's south-eastern corner which is in a dilapidated state of repair. The site has a northern abuttal with the L1170, a south western abuttal with Green Road/Father Finn Park, a western abuttal with a single storey vacant dwelling and an eastern abuttal with the grounds of a church ruins and graveyard. There is also a single storey detached dwelling located to the south-east. I noted that there is no formal boundary between the site and the vacant dwelling to the west. In terms of topography, the site is elevated relative to Green Road to the south-west and the gradual slope across the site in a north to south direction. The appeal site has a stated site area of c. 1.2785ha.
- 1.2.** In terms of the site surrounds, there is an existing Local Authority housing development (Father Finn Park) to the south of the site on the opposite side of Green Road. The existing south-western boundary comprises a mature hedgerow. A cul-de-sac known as Mullavalley Court is located on the opposite side of the L1170 to the north of the appeal site. A mature hedgerow which is interspersed with trees of varying maturities forms this northern boundary. Beyond this, there is an existing footpath along the southern side of the L1170 which provides pedestrian access to the village centre.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a residential development on the appeal site. The proposal originally sought permission to construct a total of 28 no. residential dwellings. However, the layout of the development was substantially modified at additional information stage to address concerns raised within the Planning Authority initial assessment. A revised layout was submitted in response to these concerns, increasing the total number of dwellings within the development to 30, the breakdown of which comprises:
- 18 no. semi-detached, two storey dwellings (3 bed).
 - 10 no. terraced, two storey dwellings (3 bed).

- 2 no. detached, single storey dwellings (4 bed)

2.2. The entirety of the existing southern hedgerow to Green Road is to be removed and the site is to be accessed via a new vehicular entrance, centrally located within the south-western site boundary. To the north-west of the proposed entrance, a total of 5 no. detached and semi-detached dwellings will be accessed directly from Green Road and a car parking is provided within the front setback of each dwelling. The remainder of the dwellings within the development will be accessed via the internal access road. A total of 8 no. semi-detached dwellings and the 2 no. single storey dwellings are sited parallel to the site's south-eastern boundary and are orientated towards the internal access road and the centrally located public open space area. The remainder of the dwellings within the development are orientated to the north-east and south and are accessed directly from the internal access road.

2.3. As noted in the foregoing, a public open space area with children's play equipment is centrally located within the site. Additional areas of public open space are proposed within the north-eastern and north-western portions of the site. A pedestrian entrance is also provided at eastern end of the site's boundary to the L1170 providing permeability through the site and creating a link to Green Road. The breakdown of public open space within the development is detailed as follows:

- c. 370sq.m. central open space;
- c. 844sq.m. open space north-east; and,
- c. 123sq.m. open space north-west.

Each dwelling is served by private amenity space in the form of a rear garden with areas ranging from 62.5sq.m. – c. 343sq.m.

2.4. The proposed development is to be served by a total of 60 no. off-street car parking spaces. An ESB substation is proposed to be located within the public open space area in the north-eastern corner of the appeal site. The proposal also includes the connection to foul sewer, landscaping and all other associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission for the proposed development subject to compliance with a total of 17 no. conditions. Conditions of note included:

Condition No. 2 restricts all residential units within the development 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.

Condition No. 7 requires the submission of all relevant statutory consent for the removal of a section of wall around the church. The condition also relates to landscaping and the requirement to retain the services of a suitably qualified landscape architect throughout the duration of the proposed development.

Condition No. 12 requires the relocation of the proposed ESB substation.

Condition No. 14 requires the Applicant to comply with the various requirements of the Infrastructure Section.

Condition No. 15 requires the Applicant to enter into an agreement with the Planning Authority in relation to the provision of housing in accordance with Part V of the Planning and Development Act 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Louth County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and the subject proposal, sets out the site's planning history and provides an overview of the local and national planning policy that is relevant to the development proposal. The report also provides a summary of the issues raised in the third-party observations on file.

Within their assessment of the application, the Planning Authority note that the site is zoned A2 (New Residential Phase 1) under the current CDP. The principle of the proposed residential development was therefore acceptable and was considered to accord with the zoning provisions of the site and national policy. However, concerns were raised that the proposed development would result in a poor overall layout and

an unacceptable design. It was considered that the development should front onto Green Road and create an urban street. In addition, greater acknowledgement of the relationship of the proposed houses and the recorded monuments on the adjoining site (east) should have informed the overall design. In addition, it was considered that additional permeability should have been created along the public road to the north. Overall, it was considered that the layout of the proposed housing, internal road arrangement and open space provision should be redesigned in full. Additional information was requested with respect to the following matters:

- The submission of an archaeological assessment of the development site.
- The submission of a visual impact assessment to assess the visual impacts of the proposed development on the setting of the Recorded Monuments to the east of the site.
- A revised site layout which:
 - o Provided a strong urban frontage along Green Road.
 - o Provided connectivity and permeability within the site.
 - o Created a sense of place and distinctiveness.
 - o Recognised the opportunity for an increased density with the revised layout and a more sustainable private amenity space configuration with reduced garden sizes.
 - o Relocated and redesigned the proposed public open space areas.
- Additional information as requested from the Infrastructure Department, including:
 - o The extension of the existing footpath parallel to the L1170 along the entire length of the site.
 - o The provision of a footpath/cycleway along the entire boundary of the site running parallel to Green Road.
 - o Relocation of the proposed ESB substation.
 - o The submission of a Road Safety Audit Stage 1 and 2 on the revised layout.
 - o The submission of sightline diagrams.
 - o The submission auto track analysis for large bin lorry and emergency vehicles accessing the development site.

Following the submission of additional information, which included a revised layout, the Planning Authority in their Second Planning Report deemed the proposal to be acceptable. It was noted within the report that the revised layout created a sense of place with distinctiveness, with dwellings orientated so that the 2 no. Recorded Monuments now overlooked the subject site and became an important landmark focus. The layout had also been redesigned so to have a strong urban frontage along Green Road. A new pedestrian route, improving the connectivity through the development site which connected both roads straddling the site had also been proposed. A grant of permission was recommended subject to compliance with 17 conditions.

3.2.2. Other Technical Reports

Infrastructure Department: Report received requesting additional information with respect to the matters outlined above. A second report is also on file stating no objection subject to compliance with conditions.

3.3. Prescribed Bodies

Department of Arts, Heritage and Local Government: Report received requesting additional information with respect to the submission of an archaeological impact assessment.

Irish Water: Report received stating no objection.

3.4. Third Party Observations

Three (3) third-party observations were received by:

- Michael Lindon;
- Michael Lindon Senior; and,
- Patrick Malone.

It is noted that Michael Lindon and Patrick Malone are Third Party appellants and Michael Lindon Senior has made an observation to the appeal. The matters raised are similar to those in the grounds of appeal and the observation on the file which I will discuss in detail in Section 6.0 of this Report.

4.0 Planning History

4.1. Appeal site.

11/560: Extension of Duration of Ref. 07/1332 refused by the Planning Authority. The permission was refused as there was significant changes in the provisions of the County Development Plan (2009-2015) and the subject development was no longer considered to be consistent with the proper planning and sustainable development of the area.

071332: Planning permission granted in December 2007 for the construction of 14 no. two storey dwellings, entrance from public road, access roadways, connection to existing foul sewer and watermain, together with storm water attenuation, landscaped areas and other associated site works

06/1678: Planning permission refused for the construction of 37 no. 2 storey dwellings, entrance from public road, access roadways, connection to foul sewer and watermain together with storm water attenuation, landscaped areas and other associated siteworks.

4.2. Adjoining Site (west).

22/1001 (ABP-317080-23): Planning permission granted by the Planning Authority in April 2023 for the demolition of an existing derelict dwelling and the construction of 8 no. dwellings on a site of c. 0.2863 hectares. Vehicular and pedestrian access to the proposed development is via the L1170 and the Green Road and the development includes the provision of new vehicular parking, EV charging points, public and communal/play spaces with associated landscaping, new boundary treatments, on street parking area along the L170 and in curtilage parking along the Green Road, new footpaths, foul and surface water drainage, watermains, alterations to the existing site levels, retaining walls, all associated/ancillary landscaping and site development works.

The application is currently the subject of a Third Party planning appeal to the Board under ABP-317080-23.

22/28: Planning permission granted by the Planning Authority in April 2022 for alterations and extensions to an existing single storey dwelling including the construction of a single storey extension to the front and rear, provision of a replacement effluent treatment system and percolation area and all associated site development works.

5.0 Policy Context

5.1. Louth County Development Plan (CDP), 2021-2027.

The appeal site is located within the settlement boundary of Louth Village which is identified as a small town and village as per the settlement hierarchy of the Louth County Development Plan (CDP), 2021-2027 (Table 2.4). The appeal site is located on lands zoned 'A2 – New Residential – Phase 1' (Map No. 4.6), the objective of which is 'To provide for new residential neighbourhoods and supporting community facilities'. Section 13.21.6 of the Plan notes that this is the primary location for new residential neighbourhoods. Any development shall have a high quality design and layout with an appropriate mix of housing and associated sustainable transport links including walking, cycling, and public transport to local services and facilities. The density of the development shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks. In addition to residential development, consideration will also be given to community facilities, retail services and uses that would support the creation of a sustainable neighbourhood; provided such development or uses are appropriate in scale and do not unduly interfere with the predominant residential land use.

The following overarching strategic Policy Objectives for the County and for Small Towns and Villages are relevant to the proposed development:

- **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.
- **CS 4:** To apply phasing to the delivery of new residential development as indicated on the zoning maps for the applicable settlements, whereby

residential development, other than infill, brownfield or mixed use development will generally only be permitted on Phase 1 lands. Where lands zoned 'New Residential Phase 1' are not being brought forward for development in particular areas and this is impeding the achievement of Core Strategy projections and restricting the growth of the settlement as envisaged in national and regional policy, consideration may be given to releasing during the lifetime of this Plan appropriately located 'New Residential Phase 2' lands, subject to the lands contributing to compact and consolidated patterns of development.

- **SS 54:** To support and facilitate balanced and proportionate population and economic growth in the Self-Sustaining Growth Towns, Small Towns and Villages, and Rural Nodes that will meet the needs of the residents of the settlements identified in each of the settlement categories.
- **SS 55:** To support the creation of vibrant rural communities by promoting and targeting sustainable growth in rural towns and managing the growth of rural areas under pressure for development.
- **SS 58:** To require the design, scale, and layout of residential development to be proportionate to and respect the character of the settlement in which it is located and to avoid any layout that would result in a suburban style development alien to the local environment.

In terms of 'Small Towns and Villages' (Section 2.11.4), the following Policy Objectives are noted:

- **CS 18:** To ensure localised sustainable growth within the small towns and villages identified in the Settlement Strategy, is proportionate to the size of the settlement, prioritised on infill/brownfield sites and that economic related development is supported.
- **CS 19:** To strengthen and rejuvenate the fabric of rural villages and create sustainable rural communities to meet rural generated housing needs and alleviate the need for one off rural housing in the open countryside.
- **CS 20:** To direct rural generated housing demand to rural villages and rural nodes in the first instance and ensure that one off housing in the open countryside is only permitted where there is demonstrable compliance with the criteria for rural housing as provided for in the Development Plan.

In terms of residential development, the following policies are noted:

- **HOU 11:** To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.
- **HOU 15:** To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.
- **HOU 17:** To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.
- **HOU 19:** To enhance and develop the fabric of existing urban and rural settlements in accordance with the principles of good urban design including the promotion of high quality well-designed visually attractive main entries into our towns and villages.
- **HOU 20:** To require a design led approach to be taken to sustainable residential development in accordance with the 12 urban design principles set out in the 'Urban Design Manual – A Best Practice Guide (2009)' and any subsequent guidance, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.
- **HOU 24:** To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.
- **HOU 25:** All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan.
- **HOU 26:** To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

- **HOU 29:** To seek that all new residential developments in excess of 20 residential units provide for a minimum of 30% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the Centre for Excellence in Universal Design.
- **HOU 30:** To encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice.

Other policy objectives of relevance to the proposal include:

- **BHC 6:** To ensure any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a Zone of Archaeological Potential (including formerly walled towns) shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required.
- **BHC 7:** To require applicants seeking permission for development within Zones of Archaeological Potential and other sites as listed in the Record of Monuments and Places to include an assessment of the likely archaeological potential as part of the planning application and the Council may require that an on-site archaeological assessment is carried out by trial work, prior to a decision on a planning application being taken.
- **ENV 38:** To retain and protect significant stands of existing trees/hedgerows/woodlands, and seek increased planting of native trees, where appropriate, in new developments.
- **ENV 39:** Protect and preserve existing hedgerows in new developments, particularly species rich roadside and townland boundary hedgerows, and where their removal is necessary during the course of road works or other works seek their replacement with new hedgerows of native species indigenous to the area.
- **IU 26:** To reduce the risk of new development being affected by possible future flooding by:
 - o Avoiding development in areas at risk of flooding and

- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

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

- Section 13.8.4 relates to Density and Plot Ratio. In the Self-Sustaining Towns and Small Towns and Villages, the density and plot ratio of a development will be reflective of the character of the settlement and the existing pattern of development in the area.
- Section 13.8.9 relates to Residential Amenity. In terms of privacy, the Development Plan sets out the following guidance:
'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 13.8.10 relates to Daylight and Sunlight. The following guidance is set out in this regard:
'Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 –'Lighting for Buildings – Part 2: Code of Practice for Daylighting' - provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide minimum standards of daylight for new units'.
- Section 13.9.15 relates to Public Open Space 'Public open space within a

development shall normally equate to 15% of the total site area’.

- Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 space per dwelling in Areas 1 & 2 and 2 spaces per dwelling in Area 3. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable in certain circumstances.
- Appendix 9 identifies Zones of Archaeological Potential for the County.

Volume 2 of the current CDP includes the ‘statement’ for Louth Village. As noted, under Map No. 4.6, the site is located on lands zoned ‘A2 – New Residential – Phase 1’. In addition, the composite map for the settlement identifies a stand of ‘significant trees and hedgerows’ along the northern boundary of the site. Relevant Policy Objectives contained within this statement include:

- **LOU 1:** To support the role of Louth Village by facilitating development that will contribute to the character of the Village, and complement and enhance the quality of the Village’s attractive built and natural environment.
- **LOU 2:** To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring that the housing allocation for Louth Village is not exceeded.
- **LOU 14:** To promote and facilitate the development and enhancement of footpaths, pedestrian crossings and traffic calming measures which increase pedestrian priority and improve road safety.
- **LOU 16:** To protect and enhance the unique characteristics and setting of Louth Village, including its Zone of Archaeological Potential, archaeological features and built and natural heritage elements.
- **LOU 17:** To promote the preservation of significant trees and hedgerows including those identified on the Composite Map and to manage these trees in line with arboricultural best practice.
- **LOU 19:** To protect and enhance the character of the Village by requiring that the height, scale, design and materials of any proposed development has regard to the archaeological importance of the Village and does not diminish its distinctiveness of place.
- **LOU 20:** To seek to enhance the streets and spaces within Louth Village through public realm improvements.

5.2. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.3. Natural Heritage Designations

There are no Protected Sites within the immediate vicinity of the appeal site. The nearest designated site is the Stabannon and Braganstown Special Area of Conservation (SAC) (Site Code: 004091) c. 8.5km to the south-east of the site.

5.4. EIA Screening

Having regard to the nature and scale the proposed development which consists of the demolition of the existing derelict dwelling, the construction of a total of 30 no. dwellings and associated site works, and its location on zoned land within the settlement boundary of Louth Village, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two (2) no. Third-Party appeals were received by:

- Michael Lindon; and,
- Patrick Malone.

Michael Lindon

The appellant has an address at Green Road, Louth Village, Dundalk, Co. Louth and is the owner and occupier of a single storey detached dwelling located to the immediate south-east of the appeal site. The grounds of appeal can be summarised as follows:

- Concerns are highlighted that the proposed development will impact and result in the removal of the existing hedgerow which runs along the entirety of the appellant's north-western site boundary.
- Concerns highlighted with respect to the loss of this hedgerow and trees and the consequent impact on habitats and wildlife. It is stated that the loss of this hedgerow and its replacement with a palisade fence is wholly inadequate as any form of replacement.
- Concerns raised with respect to the degree of excavation required to facilitate the proposed development.
- The provision of sightlines from the vehicular entrance as conditioned by the grant of permission would require the removal of trees and hedgerows from the appellant's front garden.
- Concerns raised regarding the overall scale and form of the proposed development on a prominent and elevated site. It is stated that the development proposed will have a hugely detrimental impact on the residential amenity of the appellant's property by reason of overlooking and being visually overbearing and the proposal would devalue their lands. It is considered that the proposed development is not in keeping with the character of the area and would dominate the landscape and dwarf his home.
- Concerns highlighted with respect to the works carried out on Green Road when the development to the south-west of Green Road was constructed. Issues included construction traffic blocking the appellant's driveway and occupying parts of his garden. The appellant notes that he does not want this repeated as it was improper and drastically affected his property.
- The appellant outlines his ties to this local area and Green Road for centuries. Concerns are highlighted within the appeal submission with respect to traffic safety and it is highlighted that the Planner when reviewing the application never addressed the concerns raised in the observations to the application. It

is stated that it is unacceptable that the proposed development failed the Safety Audit Report and it is unclear how construction traffic could be managed when there is nowhere for trucks or large vehicles to safely manoeuvre.

- It is highlighted within the submission that Louth Village does not have the necessary infrastructure to cater to a development of this scale and the site and surrounds cannot be reasonably described as an urban area as purported by the Planning Authority.
- The appeal submission goes into detail regarding the works to date undertaken by the Applicant which has significantly impacted their residential amenity and impinged on their rights and concerns regarding the rezoning of the lands.
- Concerns highlighted with respect to flooding associated within the proposed development and how this may impact the appellant's septic tank.

Included within the appeal submission is a notated site layout plan which details concerns with aspects of the development proposals. Photographs of the site and surrounds are also enclosed within the appeal submission.

Patrick Malone

The appellant has an address at No. 11 Flagstaff Road, Newry, Co. Down, Northern Ireland. The grounds of appeal contend that the appellant is the legal owner of a detached bungalow on the lands to the immediate north-west of the appeal site (i.e. located outside application site boundary). It is stated that this dwelling was not properly registered in land registry to the appellant by mistake. The grounds of appeal state that the Planner's Report on file refers to planning permission being approved for an extension of this dwelling under Ref. 22/28 and the appellant confirms that they never consented to an application being made and this matter is currently the subject of litigation. Various documentation is enclosed within the appeal submission and includes a statement of events, land registry details, details with respect to planning history and various other correspondence which refers to the property in question.

6.2. Planning Authority Response

The Planning Authority provides a response to the concerns raised by the appellants within their respective grounds of appeal. The Board is requested to uphold the

decision of the Planning Authority. However, a request is made to include a bond condition given the number of dwellings proposed. It is stated that this condition was omitted by the Planning Authority in error.

6.3. First Party Response

A First Party response to the 2 no. Third Party appeals has been prepared on behalf of the Applicant. The responses to each appeal can be summarised as follows:

Response to Michael Lindon

The response provides a description of the site and surrounds, a summary of the proposed development and the site's planning history. The documentation provides an overview of how the proposed development complies with national and regional policy and how it accords with the pertinent policy of the County Development Plan. In addition, the response outlines how the proposal has addressed concerns raised within the Planning Officer and Consultee Reports on the planning file. In response to the concerns of the appellant, the following is noted:

Hedgerow

It is stated that the appellant's claims regarding the removal of his hedgerow along his garden are incorrect. The application provides for the retention and strengthening of this hedgerow, and it is stated that this is evident from the plans and drawings submitted with the application. The Applicant wishes to clarify that the notation included on the plans referring to concrete posts with a timber palisade fencing refer to the proposed boundary treatment between the proposed dwellings and not to the hedgerow between the application site and the appellant's property. It is stated that the reference to a 'palisade' fence is incorrect, and it should read as timber 'hit and miss' fencing with concrete posts as indicated on the boundary treatment drawing. In any event, the Applicant is willing to accept a condition that the boundary treatments for the proposed development are submitted to the Planning Authority for written agreement prior to the commencement of development.

Sightlines

It is highlighted that the proposed sightlines that will serve the development will not

cross the front garden of the appellant's property. Sightlines at the site entrance are illustrated on the revised site layout plan and it is stated that Condition No. 14 (b) & (c) of the Notification of Decision deal comprehensively with sightlines related to the proposed development.

Size of the Proposed Development and Impact on Residential Amenity

It is stated that the Planning Authority has assessed the proposed development in an impartial way and concluded that the proposed development can be constructed on the site whilst ensuring that the residential and visual amenities of the surrounding area are protected. It is stated that the application site is zoned for residential development and the preparation and making of the County Development Plan was subject to extensive public consultation before it was adopted. It is also highlighted that the site is serviceable.

In terms of the appellant's concerns regarding loss of privacy, overshadowing and the depreciation in the value of his property, it is stated that the appellant provides no evidence to substantiate his claims. Indeed, it might well be argued that the proposed development could well enhance the value of his property and his land to the rear. It is submitted that the retention and strengthening of the boundary hedgerow will ensure that the residential amenity of his property, including privacy will be adequately protected. It is noted that the revised layout proposes 2 no. single storey dwellings adjacent to Green Road to the north of his property. The other dwellings are standard height for two-storey dwellings and with the lowering of the ground levels on the development site, the retention of the existing hedgerow and with garden lengths of 10m or more, the appellant's residential amenity is properly protected.

Encroachment of the Appellant's Property and Property Rights to Green Road.

In response to the appellant's concerns regarding development already undertaken on neighbouring sites, it is stated that this has nothing to do with the proposed development or the planning process to which this application is going through. The appellant claims his consent is required for any alterations to Green Road but does not provide any evidence to support this. It is submitted that the proposed development will access onto Green Road c. 55m north of the entrance to the appellant's property.

Furthermore, it is evident that the appellant has deep rooted feelings that both he and his family were in some way cheated out of property rights. However, it is submitted that the planning system is not the correct forum to air or resolve such grievances. It is stated that if there is a property dispute with respect to this matter then it is well established that the planning system is not the correct forum to address this.

Altering the Character of the Laneway

It is acknowledged that the character of the laneway, at least to the north of the appellant's property has altered with the development of Fr. Finn Park and will alter further with the construction of the proposed development. However, both of these areas are zoned for residential development, and it is inevitable that following the zoning of the land for development, the making of planning applications and the construction of dwellings that the character of the areas will change. This is not reason in itself to refuse permission for development on zoned and serviceable land. It is stated that the proposed development will not alter the character of that section of the road north of the appellant's property as the existing character is already established by the existing road and no changes are proposed other than the removal of the hedge to accommodate the proposed development.

Roads Infrastructure

In response to the appellant's concerns with respect to the adequacy of Green Road to cater to a development of this scale, it is highlighted that the application has been assessed by the Infrastructure Section of the Planning Authority who recommended a grant of planning permission. Suitable conditions have been attached to a grant of permission which includes restrictions on noise and dust and associated monitoring, the requirement to submit a Construction Waste and Demolition Management Plan and the requirement to provide a Construction Traffic Management Plan prior to the commencement of development.

Road Safety Audit

It is stated a Road Safety Audit is not a pass/fail assessment, it highlights where improvements are required. It is noted that the recommendations contained within the Road Safety Audit are comprehensively dealt with at Condition 14 of the Notification

of Decision. It is stated that the Planning Authority is satisfied that the road safety aspects of the proposed development are acceptable, and the proposal will therefore not constitute a traffic hazard.

Response to Patrick Malone

The response provides a description of the site and surrounds, a summary of the proposed development and the site's planning history. The documentation provides an overview of how the proposed development complies with the national and regional policy and how it accords with the pertinent policy of the County Development Plan. In addition, the response outlines how the proposal has addressed concerns raised within the Planning Officer and Consultee Reports on the planning file. In response to the concerns of the appellant, it is highlighted that they have not raised a single planning matter in their appeal statement and as such, there is nothing to comment on. Without prejudice, it is submitted that the appeal should be dismissed under the provisions of Section 138 of the Planning and Development Act 2000, as amended, as it does not contain any planning grounds.

6.4. Observations

An observation has been received by Michael Lindon Senior who has an address at No. 46 Glenmore Park, Dundalk, Co. Louth. The issues raised within the observation can be summarised as follows:

- The observation confirms that they are the owners of lands to the south of the appeal site, and it is contended that the proposal will adversely affect these lands.
- The proposed development contravenes the policy of the County Development Plan insofar as the scale, design and intensity of development does not respect the locality. Concerns are highlighted with respect to the height of the proposed dwellings on an elevated site. It is contended that the proposed development will result in overlooking and reduce the amenity of the adjoining properties and will negatively impact the value of the adjoining land for development.
- The building work involved will be intrusive to and damaging to the observer's property and no consent has been given for same.
- It is noted that Green Road is a small country lane with no lighting and

inadequate drainage. Concerns are highlighted with respect to the works already carried out to Green Road, of which no consent has been provided. It also highlighted that no consent has been provided for the removal of hedgerows to facilitate sightlines for the development proposal as consented by the Planning Authority.

- The site is currently used as an amenity for children and was previously a park amenity area in the Louth Village Development Plan which would be a greater contribution to the area than additional housing. There is insufficient infrastructure within the village to cater to a development of this scale.
- Concerns highlighted with respect to the proposed boundary treatments and its impact on existing hedgerows.
- Concerns with respect to flooding and its impact on the septic tank of the adjoining property.
- Reference is made to the legacy of failed planning applications on the appeal site. Concerns highlighted with respect to lobbying undertaken to rezone the appeal site from agriculture to development lands which seems to be a process which is concentrated on profit for the developers.

6.5. Further Responses

None.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Layout, Design & Density of Development
- Residential Amenity
- Access & Car Parking
- Archaeology
- Other Matters
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The appeal site is located within the settlement boundary of Louth Village. The village is located c. 10km to the south-west of the Regional Growth Town of Dundalk and is identified as a Level 4 settlement (i.e. small towns and villages) under the settlement hierarchy of the Louth County Development Plan (CDP), 2021-2027 (Table 2.4). The appeal site itself is zoned 'A2 – New Residential – Phase 1' (Map No. 4.6), the objective of which is 'To provide for new residential neighbourhoods and supporting community facilities'. 'Residential' development is identified as use type which is generally permitted under the A2 zoning. Section 13.21.2.1 (Generally Permitted Use) of the current CDP notes that land uses that are listed as a 'Generally Permitted Use' are considered to be generally acceptable, subject to the normal planning considerations (such as design, scale, density, layout, noise, odour, residential amenity, traffic generation, and service arrangements). The appeal site is centrally located within the village and has a direct western abuttal with lands zoned 'B1-Town or Village Centre'. Section 11.3 (Settlement and Housing) of the 'statement' (Appendix 2 of the CDP) for Louth Village indicates that there has been a more stable pattern of population growth during the past decade which has reflected in the limited demand for new residential development in the village in recent years. The Plan seeks to promote a policy of consolidation in the village, focused on localised growth, brownfield and infill development. Therefore, having regard to the nature of the proposed development, the zoning objective that applies to the lands and the central location of the appeal site, I am satisfied that the principle of the proposed development is acceptable at this location. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents and the sustainable planning and development of the area. The following sections of this report will discuss these matters in further detail.

7.2. Layout, Design & Density of Development

7.2.1. During their initial assessment of the application, the Planning Authority raised concerns with respect to the overall layout of the proposed development which they determined would result in a largely poorly defined development which failed to create a distinct sense of place. In addition, concerns were raised with respect to the lack of

permeability through the site and failure of the proposal to capitalise on the opportunity that the two recorded monuments located to the east of the site present. Concerns were also highlighted with respect to the location and functionality of the public open space area within the site and it was highlighted that there may be opportunities to provide a greater density of development at this location, noting the generous areas of private open space provided across the scheme.

7.2.2. In response to the concerns of the Planning Authority, the Applicant submitted a modified layout by way of additional information. Similar to the constructed development located opposite the appeal site (i.e. Fr. Finn Park), a number of dwellings (5 no. dwellings) are now orientated towards and accessed directly from Green Road. The remainder of the dwellings are then accessed via a centrally located entrance from Green Road with the majority of dwellings within the scheme providing passive surveillance of the now centrally located public open space and children's play area. An additional area of open space has also been proposed within the north eastern corner of the site, adjacent to the recorded monuments to the site's east. To address concerns raised with respect to permeability and the lack thereof, a pedestrian walkway has been provided within this portion of the site providing connectivity through the site and creating a link between Green Road and the L1170. Although permeability is now provided, the existing stand of trees and hedgerow along the northern site boundary which are afforded protection under the current CDP are being maintained and reinforced with additional planting. In addition, universal design principles were retained in the modified layout with 2 no. single storey dwellings proposed with wheelchair friendly access and ground floor accessible WCs.

7.2.3. Policy Objective HOU 20 of the current CDP is relevant to the consideration of the proposed development. The policy seeks 'To require a design led approach to be taken to sustainable residential development in accordance with the 12 urban design principles set out in the 'Urban Design Manual – A Best Practice Guide (2009)' and any subsequent guidance, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods'. In addition, Section 13.8.7 (Layout) of the current CDP highlights that the layout of residential developments shall consist of permeable, well connected streets and neighbourhoods where open spaces are

functional, accessible, and centrally located and where walking and cycling are prioritised. In their assessment of the additional information response, the Planning Authority had specific regard to the 'Design Manual's' 12 no. criteria, and they were satisfied that the modified design would result in an acceptable design and overall layout which had now a distinct sense of place. Overall, I would agree with the commentary of the Planning Authority in terms of the initial layout. The previous iteration of the development could only be described as 'inward looking', resulting in the formation of a cul-de-sac with a poor spatial arrangement. The proposal, as permitted by the Planning Authority will now provide for an activation of the site's interface with Green Road, providing passive surveillance of the public road. In addition, the relocation and reconfiguration of the open space areas and the creation of pedestrian linkages through the site will facilitate a better integration of the development with the village core and the recorded monuments to the east of the site. I would concur with the Planning Authority that the proposal would benefit from relocating the proposed ESB substation away from the eastern boundary given its visual prominence within the open space area and its siting relative to the recorded monuments to the site's east. A condition for its relocation to the north-west, away from this boundary as recommended by the Planning Authority is considered to be reasonable in this instance. For these reasons, I consider the proposed development to be in accordance with Section 13.8.7 (Layout) of the current CDP and I am satisfied that the proposed development will provide a functional and attractive layout for its future occupants.

- 7.2.4. The development as permitted by the Planning Authority comprises a total of 18 no. semi-detached, two storey dwellings, 10 no. terraced, two storey dwellings and 2 no. detached, single storey dwellings. The height of the proposed dwellings range from c. 5.5m for the single storey dwellings to c. 8.8m for the double storey dwellings. I note that the floor to ceiling heights at attic level are sufficient to allow for them to be adapted to additional habitable accommodation in the future, should the need arise and subject to planning consent. The double storey dwellings have a gable sided, pitched roof form and materials and finishes comprise a combination of stonework and render for the principal elevations with a slate roof. The 2 no. single storey dwellings, which are located to the south-east of the proposed entrance, have a hipped roof form

and have adopted a similar palette of materials and finishes. Overall, I am satisfied that the dwellings are designed to a high standard and the proposed development is generally in keeping with the emerging pattern of development in the surrounding area. The proposed materials and finishes are appropriate for the location, are durable and attractive, and they facilitate the integration of the development into the local landscape.

7.2.5. The Third Party appellant has raised concerns with respect to the overall density of development at this location. Section 13.8.4 (Density and Plot Ratio) of the current CDP acknowledges that in the Self-Sustaining Towns and Small Towns and Villages, the density and plot ratio of a development will be reflective of the character of the settlement and the existing pattern of development in the area. Further to this, Section 13.21.6 (A2 – New Residential – Phase 1) notes that the density of the development on A2 zoned lands shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks. Following the revisions to the proposed development at additional information stage, the proposed scheme results in a density of c. 23.5 units per ha. (increased from c. 22 units per ha.), based on the site area of c. 1.2785ha. Overall, I am satisfied that the density of development proposed in this instance is reflective of the established and emerging pattern of development within the settlement boundary of Louth Village and the development is therefore considered to be in accordance with the pertinent policy of the CDP.

7.2.6. Section 13.8.7 (Layout) of the current CDP notes that any buildings on corner sites are encouraged to have a dual aspect, particularly at the entrance to a development. In this regard, I am conscious that the open space area in the north-eastern corner of the site currently lacks any degree of passive surveillance from dwellings within the development. Therefore, I recommend the inclusion of a condition which shall require the Applicant to provide additional first floor level windows to Bedroom Nos. 1 & 2 of House No. 16 so that they overlook the open space area to the east. In addition, similar windows shall be provided on the first floor level eastern elevations of House Nos. 05 & 30 so that they overlook the internal access road (Bedroom Nos. 1 & 2). Subject to compliance with these conditions, I deem the proposed development to be acceptable

and in accordance with the proper planning and sustainable development of the area.

7.3. Residential Amenity

- 7.3.1. I note that one of the Third Party appellants resides in an existing detached single storey dwelling to the immediate south-east of the site. This dwelling is served by an area of amenity space to its front and side and there is an agricultural field to its rear (north-east). Concerns have been highlighted with respect to the loss of the existing hedgerow which forms the south-eastern boundary of the appeal site, and which delineates the site from the appellant's property. From my observations on site, this existing hedgerow screens the subject site from the appellant's property. The appellant has raised concerns with respect to the visual impact of the proposed development, the loss of privacy due to overlooking from the development and overshadowing impacts associated with the proposed development, all of which will be exacerbated by the loss of this hedgerow. As noted, the appeal site is to be accessed from a centrally located entrance and a total of 8 no dwellings (i.e. Dwelling Nos. 06-15) are proposed to be located to the south-east of the internal access road. The dwellings are orientated to the north-west and their rear private amenity spaces will have a direct abuttal with the common boundary. The single storey dwellings provide a minimum set back of c. 6m from the site's south-eastern boundary, whilst a minimum setback of c. 10m is provided for the double storey dwellings.
- 7.3.2. From reviewing the submitted documentation, including the revised Site Layout Plan (Drawing No. 2206-P-102-B), it is evident that the proposal seeks to retain the existing hedgerow which forms this boundary. In response to the appellant's concerns, the Applicant also confirms that the intention is to retain and strengthen the hedgerow and it is clarified that the notation included on the plans referring to concrete posts with a timber palisade fencing refer to the proposed boundary treatment between the proposed dwellings and not to the hedgerow between the application site and the appellant's property. As indicated on the submitted site section diagrams, and in particular Section EE and BB, there is a degree of cut required within central portion of the site to facilitate access to the appeal site. However, the degree of excavation proposed along the south-eastern boundary of the site is minimal and the site levels along this boundary will remain relatively unaltered. I am therefore satisfied that the ongoing viability of the existing trees and hedgerow along this boundary should not be

compromised by the proposed development. However, I acknowledge the importance of this boundary treatment and I consider it reasonable in this instance for a condition to be included which specifically provides for its retention.

- 7.3.3. In terms of overlooking, I note that the south-east facing first floor level windows of House Nos. 8-15 are set back by between c. 10m (House No. 8) and c. 16m (House No. 15) from the boundary with the appellant's property. Section 13.8.9.1 (Privacy) of the CDP notes that 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 development. The Plan notes a minimum of 22m separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. However, there may be instances where a reduction in separation distances may be acceptable. Having regard to the separation distances proposed in this instance and the proposals to retain the existing hedgerow, I am satisfied that undue overlooking of the appellant's private amenity spaces and habitable rooms will not occur, and the proposal is therefore acceptable in this regard.
- 7.3.4. I note that the dwellings are located to the north-east of the appellant's private amenity space. Having regard to the separation distances provided, the orientation of the site and the scale, height and form of the proposed dwellings, I am satisfied that the proposed development will not unduly compromise the residential amenity of the adjoining properties by reasons of loss of daylight/sunlight, overshadowing or by being visually overbearing. Therefore, I consider the proposed development to be acceptable having regard to residential amenity of the surrounding area.
- 7.3.5. In terms of the amenity of the proposed dwellings, the internal floor areas range in size from c. 107.5sq.m. to c. 162sq.m. and are in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). In addition, the dwellings are served by dedicated private amenity spaces in the form of rear gardens which have floor areas that range from (c. 62.5sq.m. – c. 343sq.m.) which generally exceed the relevant development management standards set out in Table 13.4 (Private Open Space Requirements) of the current CDP. The exceptions to this are House Nos. 2 and 27

which fall marginally below the standard. Notwithstanding this, I am satisfied that the development is designed to a high standard and will generally afford a good standard of amenity to its future occupants.

- 7.3.6. I am conscious of the planning history of the surrounding area, including the site to the immediate west (22/1001 (ABP-317080-23)) of the appeal site. At this interface, the layout of the proposed development, coupled with the adequate separation distances provided will ensure that the future amenity of these dwellings is not impacted, and the development potential of these lands is not compromised by the proposed development.

7.4. Access & Car Parking

- 7.4.1. As noted, the proposal seeks to remove the entirety of the existing hedgerow along the boundary with Green Road to provide a centrally located vehicular entrance. Vehicular access to a total 5 no. dwellings will also be taken directly from Green Road to the north-west of the proposed shared entrance. Given the topography of the appeal site, c. 2m of excavation is proposed across the site to facilitate direct access to the dwellings fronting Green Road and the remainder of the dwellings within the site via the internal access road. The Third Party appellant has raised concerns that the proposal would constitute a traffic hazard and it was highlighted that that the provision of sightlines to serve the development would encroach on the appellant's property and would necessitate the removal of a portion of his existing front boundary. In response to these concerns, the Applicant notes that that the proposed sightlines will not cross the front garden of the appellant's property and the sightlines at the site entrances are illustrated on the revised site layout plan. I note that the Planning Authority's Infrastructure Section has indicated that they have no objection to the proposed development subject to compliance with suitable conditions. Having reviewed the Applicant's documentation, including the revised Site Layout Plan (i.e. Drawing No. 2206-P-102-B), it is evident that that the proposed sightlines do not encroach on the boundary of the Third Party appellant's property and they can be achieved without the consent of adjoining property owner. I am therefore satisfied that adequate sightlines are provided in this instance and the proposal does not constitute a traffic hazard.
- 7.4.2. Following concerns raised by the Planning Authority, the Applicant has proposed a

pedestrian footpath along the full length of the site's south eastern boundary with Green Road. In addition, the pedestrian walkway linking Green Road with the L1170 will tie in with the existing footpath which runs along the southern side of the L1170. I note that the majority of the existing hedgerow along the northern site boundary is proposed to be maintained and strengthened. The exception to this is the eastern end of the boundary where there is an existing agricultural entrance. The proposal seeks to provide a pedestrian entrance at this location and from reviewing the revised Site Layout Plan, there appears to be a wall and piers proposed at this location. Given the current level difference at this location between the site and the adjoining footpath and the prominence of this entrance relative to the existing monuments to the east, I recommend the inclusion of a condition requiring the submission of a proposed elevation of the proposed entrance for the written agreement of the Planning Authority. This elevation should show the proposed entrance in the context of the adjoining hedgerow and walls of the adjoining monument to illustrate the integration of same. Subject to compliance with this condition, I deem the proposal to be acceptable.

7.4.3. The Third Party appellant has also raised concerns with respect to the impact of the proposal on the character of Green Road. I note that the southern side of the Green Road has been altered since the development of the Local Authority housing project and the character of the existing road will be further altered by the proposed development. Notwithstanding this, the proposal will provide pedestrian connections to the village through a new footpath and the dwellings within the scheme are orientated towards Green Road to provide an active frontage and passive surveillance of the road and footpaths. Overall, I am satisfied that the proposed development on zoned land within the settlement boundary of the village will provide a positive contribution to the streetscape character and the proposal is therefore considered to be acceptable.

7.4.4. In terms of car parking, each dwelling within the development is served by 2 no. in-curtilage car parking spaces (i.e. total of 60 no. spaces). The proposal is therefore in accordance with the standards set out in Section 13.16.12 (Car Parking Standards) of the current CDP for Area 3 (i.e. All other areas). Section 13.16.16 (Cycle Parking) notes that secure cycle parking facilities shall be provided in new developments in

accordance with the standards set out in table 13.12 of the Plan. The Applicant has indicated that cycle parking can be provided within the rear amenity spaces of each dwelling. Whilst I consider this arrangement to be acceptable in this instance, the proposal fails to provide visitor cycle parking and a minimum of 6 no. spaces should be provided for a development of this scale. However, I am satisfied that the provision of visitor cycle parking can be conditioned in the event of a grant of permission.

- 7.4.5. I note that the Planning Authority's Infrastructure Section have recommended a significant number of conditions which have been attached to the Notification to Grant permission, many of which refer to the documentation submitted with the application and at additional information stage. I therefore recommend the inclusion of a condition which shall require the Applicant to ascertain and comply with the requirements of Planning Authority's Infrastructure Section prior to the commencement of development on site.

7.5. Archaeology

- 7.5.1. As noted in the foregoing, the appeal site is located to the immediate west and south of 2 no. recorded monuments i.e. LH 011-040002 (Graveyard) and LJ 011-040001 (Church) and located within their zone of archaeological potential. The church is described as a gothic style rectangular chapel built in 1803 and in use until the 1920s and is currently in a ruinous state. A stone wall with a varying height forms its site boundaries. Following the recommendations of the Development Applications Unit of the Department, the Planning Authority requested the Applicant to engage the services of an archaeologist and to carry out a visual impact assessment and an archaeological assessment of the development site given the location of the development relative to the recorded monuments. The archaeological assessment concluded that no archaeological features or deposits were exposed or identified on site and no further archaeological work was recommended. In addition, any visual impacts of the development on the recorded monuments were either deemed to be slight or negligible.
- 7.5.2. Given the extent of excavation across the site, the proposal seeks to provide a gabion stone wall/concrete retaining wall along the boundary with the church and its attendant

grounds. This retaining wall will run along the boundary to the north of House No. 15 and along the eastern side of the public open space area. Section EE shows the degree of excavation required within this portion of the site and the provision of a c. 2m high retaining wall, immediately adjacent to the existing wall of the church grounds. Given the visibility of this retaining wall from the public open space area and its location relative to the church grounds, a high quality boundary treatment should be provided along this interface. I therefore recommend the inclusion of a condition which requires details of this boundary treatment to be agreed with the Planning Authority prior to the commencement of development. In addition, I am conscious of Condition No. 7(a) which requires the Applicant to submit all relevant statutory consents to remove a section of wall around the church. From my observations on site, it was evident that sections of this boundary wall were in poor condition. The Planning Authority refer to the Section DD (Drawing No. 2206-PL-104-B) which includes a notation referring to same. A condition is also included by the Planning Authority which shall require the Applicant to submit a construction methodology for the proposed wall gabion wall which illustrates that it will not undermine or interfere with the wall of the church grounds. Although this notation has been included on Section DD, it is unclear why the removal of the existing boundary wall is necessary to facilitate the proposed development. Given there is uncertainty as to whether the Applicant can obtain consent for works outside their control, a modified condition should be included which allows for revisions to this boundary so that the wall can be retained in its entirety should consent not be forthcoming for said works. Subject to compliance with this condition, I am satisfied that the proposal is acceptable having regard to the archaeological sensitivity of the site and surrounding area and the proposal is therefore considered to be in accordance with the proper planning and sustainable development of the area.

7.6. Other Matters

- 7.6.1. The Third Party appellant (i.e. Patrick Malone) contends that the appellant is the legal owner of a detached bungalow on the lands to the immediate north-west of the appeal site. The grounds of appeal state that the Planner's Report on file refers to planning permission being approved for an extension of this dwelling under Ref. 22/28 and the appellant confirms that they never consented to an application being made and this

matter is currently the subject of litigation. Various documentation is enclosed within the appeal submission to substantiate the appellant's claims. I note that the dwelling that is referenced by the appellant is located to the immediate north-west of the appeal site, outside the application site boundary. In my view, the issues raised by the appellant are not directly relevant to the assessment of the subject proposal. Further to this, I consider the issues raised in the grounds of appeal are a civil and/or legal matter, that is outside the statutory remit of this appeal. I also refer to Section 5.13 of the Development Management Guidelines which state that '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'. The Board is therefore not required to arbitrate on such a matter in the making of a decision with respect to this appeal. Furthermore, it is of relevance to highlight the provisions of section 34(13) of the Planning and Development Act, 2000 (as amended), which states:

- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

7.6.2. The Third Party appellant (i.e. Michael Lindon) has raised concerns regarding the potential for flooding associated with the proposed development and its impact on his property and septic tank. Policy Objective IU 26 of the current CDP seeks to reduce the risk of new development being affected by possible future flooding by avoiding development in areas at risk of flooding. I note that the appeal site is not located within a flood zone (i.e. Flood Zone A or B) and I am therefore satisfied that the proposal does not constitute a flood risk. For this reason, I deem the proposed development to be acceptable and in accordance with the pertinent policy of the current CDP.

7.7. Appropriate Assessment

7.7.1. The nearest designated site is the Stabannon and Braganstown Special Area of Conservation (SAC) (Site Code: 004091) c. 8.5km to the south-east of the site. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either

individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to:

- (a) The residential zoning objective (A2) for the site;
- (b) The location of the site within a serviced area, in close proximity to the Louth Village centre;
- (c) The pattern of development in the area, and the nature, scale, and design of the proposed development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, is acceptable having regard to the archaeological sensitivity of the site and surrounds and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th April 2022 and as amended by further plans and particulars received on the 15th 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Additional first floor level windows shall be provided to Bedroom Nos. 1 & 2 of House Nos. 05, 16 & 30 so that they overlook the open space area to the north-east (House No. 16) and the internal access road (House Nos. 05 & 30). Details of which shall be submitted to the Planning Authority for the written agreement prior to the commencement of development.</p> <p>(b) The Applicant shall relocate the proposed ESB substation to the landscaped area c. 20m to the north-west of its existing position. Details of the new position shall be submitted for the written agreement of the planning authority. The applicant should ensure that the relocated position of the ESB substation is such that allows service maintenance persons to carry out service works in a safe and secure location.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved. A brochure of the proposed natural stone detailing on the proposed residential units shall be submitted for written agreement prior to the commencement of development.</p> <p>Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.</p>
4.	<p>(a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all residential 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>(b) An agreement pursuant to Section 47 shall be applicable for the</p>

	<p>period of duration of the planning permission, except whereafter not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the Applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the Planning Authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</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, and the common good.</p>
5.	<p>(a) The hedgerow and trees (identified for retention) along the north eastern and south eastern boundaries of the site shall be adequately protected during the construction phase. Details of protection measures shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</p> <p>(b) The Applicant shall submit all relevant statutory consents to remove a section of the wall around the church as detailed on proposed section DD (Drawing No. 2206-PL-104-B). Alternatively, a revised proposal which provides for the retention of this wall may be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>(c) The proposed gabion/retaining wall in the north-eastern open space area shall utilise a high-quality finish given its visual prominence. In addition, the Applicant should submit a construction methodology for the proposed gabion/retaining to demonstrate that it will not</p>

	<p>undermine or interfere with the wall that surrounds the recorded monuments.</p> <p>(d) The Applicant shall submit an elevation of the proposed pedestrian entrance in the north-eastern corner of the site. The elevation shall demonstrate how the entrance integrates with the boundary of the church (east) and the existing trees and hedgerow (west) which are to be retained.</p> <p>(e) The Applicant shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme shall be implemented in full in the first planting season following the commencement of the development and finalised prior to the sale of any residential units hereby granted planning permission. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter. The Applicant shall also provide a root barrier system or root cell system to prevent any root damage to adjacent footpaths and roads.</p> <p>(f) The Applicant shall submit details of the outdoor children's play area and shall include formal play equipment and natural play spaces with natural features that promote informal children's play.</p> <p>Reason: In the interest of residential and visual amenities and to ensure all proposed works have the necessary legal consents.</p>
6.	<p>Prior to the commencement of development on site, a Road Safety Audit (RSA) shall be carried out and all recommendations of the RSA shall be implemented in full. The RSA shall include the review of the parking arrangements (access and egress) for Dwelling Nos. 1 – 5. In addition, the vehicular entrance to Dwelling No. 6 shall be located as far east as possible within the site to improve the visibility at this entrance.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
7.	<p>Prior to the commencement of development on site, The Applicant shall ascertain and comply with the requirements of Planning Authority's Infrastructure Section.</p>

	<p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
8.	<p>Prior to the commencement of development on site, the Applicant shall submit a Construction and Demolition Management Plan for the proposed development which is 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.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
9.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
10.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority (Infrastructure Section) for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Should archaeological material be found during the course of the works, the work</p>

	<p>on site shall be stopped pending a decision as to how best deal with the archaeology and the Applicant shall liaise with the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to same.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to the commencement of development, the Applicant shall prepare and submit a Construction and Demolition Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.</p> <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
15.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's <i>Taking in Charge Policy</i>. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement, the procedures for inspection and monitoring of the development by the Planning Authority to ensure compliance with these standards.</p> <p>Reason: To ensure the development is carried out and completed to an acceptable construction standard.</p>
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering</p>

	<p>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>Reason: To ensure the satisfactory completion of the development.</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>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 or 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>

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.
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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.

Enda Duignan
Planning Inspector

17/08/2023