



An
Bord
Pleanála

Inspector's Report

ABP-316990-23

Development	Construction of 183 residential units and associated site works.
Location	Bellfield, Haggardstown, Dundalk, Co Louth. (www.bellfieldlrd.com)
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2364
Applicant(s)	McParland Bros. Builders Ltd
Type of Application	LRD Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Christopher Browne
Observer(s)	None
Date of Site Inspection	5 th June 2023
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 5.25 ha comprises a greenfield parcel of lands bordering existing residential uses (Bellfield Estate), a Church/graveyard to the west and a light industrial unit along its northern boundary. The site is adjacent to the existing Bellfield residential development and represents the remainder of the site area which was previously partly developed pursuant to permissions 06/900, 09/813 and 16/24. Access is already in-situ directly onto the Dublin Road, which was constructed pursuant to the previous permission, and which incorporates existing footpaths, traffic lights, right turning lane and related infrastructure. Foul sewer and mains water infrastructure services are also existing along R132, with existing capacity to service the site.
- 1.2. The Dublin Road entrance has a row of existing detached properties exiting onto the Dublin Road in a northerly direction while there are a number of large scale recreational facilities (Felda Health Spa & Fitness & Fairways Hotel complex) across the R132 to the east and shopping facilities immediately to the east at the Fairways Supervalu complex. The site is located in close proximity to both Blackrock and the south Dundalk employment expansion areas, with IDA lands, Xerox, Finnabair Business Park and DKIT all within 2km. A continuous footpath and cycle routes (on-street) also connects the site via Dublin Road to the town centre and to nearby leisure and community facilities in both Blackrock and the wider Haynestown area. The site itself is characterised by open and undulating grassland with hedgerows along the perimeter. Views of the site are confined to the immediate stretches of R132, from the western boundary from the church lands and local residential properties.
- 1.3. I refer to the site photos available to view throughout the LRD appeal file together with a set of photographs of the site and its environs taken during the course of my site inspection. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1.1. The LRD application was made to Louth County Council on 14th February 2023. The development will consist of the provision of a total of 183 no. residential units along with provision of a crèche. Particulars of the development as set out in the public notices comprise as follows:

- a) Site excavation works to facilitate the proposed development to include excavation and general site preparation works.
- b) The provision of a total of 64 no. residential dwellings (8412 sqm) which will consist of the following unit mix
 - 38 no. 3bed semi-detached dwellings (house type A)
 - 8 no. 4bed semi-detached dwellings (house type A1)
 - 8 no. 3bed semi-detached dwellings (house type A1)
 - 1 no. 4bed semi-detached dwelling (house type A2)
 - 1 no. 3bed semi-detached dwelling (house type A2)
 - 4 no. 4bed detached dwellings (house type B)
 - 3 no. 4bed detached dwellings (house type C)
 - 1 no. 3bed detached dwelling (house type D)
- c) The provision of a total of 119no. apartments/duplex units (10,348.04 sqm) consisting of 21no.1 bed units, 57no. 2bed units and 41no. 3bed units across 6no. blocks ranging in height up to 6no. storeys;
- d) Provision of a creche (335 sqm)
- e) Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche, duplexes and apartment units;
- f) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site;
- g) Provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities (340.94 sqm);
- h) Use of existing access from Dublin Road with associated upgrade works to the existing internal access road to facilitate vehicular, pedestrian and cycle access;
- i) Provision of internal access roads and footpaths and associated connections to the existing Bellfield residential estate;

- j) Provision of residential communal open space areas to include a formal play area along with all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, railings & fencing;
- k) Provision of 1no. ESB substation;
- l) Internal site works and attenuation systems to include for hydrocarbon and silt interceptors on the storm network prior to discharge to the on-site soakaways;
- m) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water, gas and ESB networks.

2.2. The key quantitative development indicators pertaining to the scheme may be summarised as follows:

Site Area	5.25 ha.
No. of residential Units	183 no. units (64 houses & 119 apartments / duplexes)
Part V.	Proposal to build and transfer 20% of residential units
Density	36.5 uph.
Dual Aspect	100% of apartments
Car parking spaces	221 spaces for houses, apartments and creche as per Site Layout Drg No 40379-203
Cycle Parking Spaces	284 cycle spaces are provided in 7 no locations as per Site Layout Drg No 40379-203
Plot Ratio	2.94
Public open space	868 m ² of total site area of 52,550 m ² = 16.5 % of site area
Height	Two to six storeys
Vehicular access	Single existing access from Dublin Road R132
EV Charging Points	31 EV charging points

2.2.1. As mentioned the site will be accessed from an existing permitted access road serving a small number of built and occupied houses (site history below refers). The appeal site extends further west from the existing houses with the majority of proposed housing and all the apartments and duplexes located to the north of the spine road and the remaining housing located to the south. The apartment blocks and duplexes are located along the northern boundary of the site with the established IDA lands to the north. Open space is provided in pockets throughout the scheme with the main

swath located to the south of the apartment block and north of housing. Smaller pockets of open space are scattered throughout the development. The development will be served by a hierarchy of roads and pedestrian linkages.

2.2.2. The application was accompanied by the following.

- NIS
- Cover letter
- Application Form
- LRD Application Form
- Site Notice & Newspaper Notice
- Planning Statement
- Design Statement
- Statement of Housing Mix
- Operational Waste Management Plan
- Outline Construction Management Plan
- Building Lifecycle Report
- DMURS Street Design Audit
- Statement of response
- Schools & Childcare Capacity Assessment
- Part V Proposal
- Letter of Consent
- Letter of feasibility from Irish Water
- Housing Quality Assessment
- Sunlight, Daylight & Shadow Assessment
- EIA Screening Statement
- CGI & Photomontage Booklet

2.2.3. Architecture Drawings & Documents

2.2.4. Engineering Drawings & Documents

- Services & Engineering Report
- Mobility Management Plan
- Quality Audit
- Road Safety Audit
- Traffic & Transport Assessment & CD

2.2.5. Landscape Drawings & Documents

- Landscape Design Statement

2.2.6. Ecology Documents

- Appropriate Assessment Stage 1 Screening and Natura Impact Statement
- Ecological Impact Assessment

2.2.7. Other Documents

- Archaeological Assessment
- Architectural Heritage Impact Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council issued a notification of decision to grant permission subject to 18 no conditions summarised as follows:

1.	Development shall comply with plans and particulars submitted on 14 th February 2023
2.	Section 47 Agreement restricting all houses and duplexes to first occupation by individual purchasers
3.	Section 48 Development Contribution
4.	External finishes
5.	Landscaping

6.	Estate Name and house numbers
7.	Underground cabling
8.	Irish Water wastewater connection
9.	Construction hours
10.	Management Company
11.	Deposit / Bond
12.	Noise and Vibration Control
13.	NIS mitigation measures
14.	Ecologist to be retained. Bat boxes to be provided
15.	Part V
16.	Phasing
17.	EV Charging Points
18.	Completed to Taking in Charge Policy standards

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** having considered the scheme in detail concluded as follows:

- The proposed scheme accords with the general provisions of the Louth County Development Plan 2021-2027 as varied, the provisions of the Regional Spatial and Economic Strategy and the National Planning Framework
- The accommodation proposed will provide for a quality living environment for future residents and the community support building and associated facilities will provide an important community amenity.
- The proposed development, within the existing urban fabric of Dundalk and in proximity to Dundalk's employment opportunities and urban amenities provides optimal standards so as to encourage urban living.

- The development represents an acceptable quantum of development in terms of housing types, access to public open spaces and will encourage permeability throughout the subject site by way of pedestrian and cycling dedicated routes to ensure an acceptable urban layout and sense of place.

3.2.3. The Case Planner recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Louth County Council reflects this recommendation.

3.2.4. **Other Technical Reports**

- **Executive Engineer** – Requested further information in relation to (1) the provision / amendments of an additional permeability link to the mass path opposite house numbers 1 and 15, (2) detailed level survey of the area clearly demonstrating Pluvial Flooding extents and levels within the site relative to the Finished Floor levels of storage units and percolation area and (3) to investigate the flow path of stream along the northern boundary and consider in accordance with Planning Objective NGB 44 to protect, maintain, and enhance the natural and organic character of the watercourses in the County to include a buffer zone of 5m.
- **Heritage Officer** - Recommended that the comprehensive list of mitigation measures provided in the Ecological Impact Assessment (pp 65 to 67) be implemented. Queried if there is a plan to implement proposals in relation to ecologist input into all lighting on site but specifically in relation to the northern treeline, the installation of swift and house martin nesting boxes along the west of the development and the planting of a native hedgerow along the church boundary which will provide a myriad of benefits to insects and, in turn, aerial feeders or are they vague aspirations?
- **Louth County Childcare Committee** - Welcomes the application as it will help address the growing need for childcare in particularly the younger age i.e. 0-3 years old.

3.3. **Prescribed Bodies**

- **Department of Housing, Local Government and Heritage** – The Department reviewed the Archaeological Assessment Report submitted with the application

and recommended that a condition for archaeological monitoring be included in any grant of planning permission that may issue. Wording of condition provided.

- **Irish Water** – Following condition be attached to any grant of permission (as summarised):
 - 1) Statement of Design Acceptance to be obtained ahead of any connection application.
 - 2) Connection agreement to be signed prior to any works commencing.
 - 3) Applicant to agree arrangements for extension works to the Blackrock Local Network Rehabilitation Project sewer network traversing the site.
 - 4) IW does not permit any build over of its assets and separation distances as per IW Standards Codes and Practices shall be achieved.
 - 5) All development shall be carried out in compliance with IW Standards codes and practices.

3.4. Third Party Observations

- 3.4.1. There are 11 no observations recorded on the planning file from (1) Ciara & Conor Farrelly, (2) Christina Dwan, (3) Neil Walsh, (4) Fiona & Michael Keane, (5) Sharon McCabe, (6) Ursula Tuite, (7) Orta & Virginia Polonio, (8) Megan Byrne & James Byrne, (9) Declan & Lynn Curran, (10) Christopher Browne and (11) Michael Lyons.
- 3.4.2. The issues raised relate to the design of the apartment Block J, traffic impact, inadequate open space, lack of local facilities, inadequate pedestrian and cycling infrastructure along the Dublin Road, schools and childcare capacity, Part V, height and impact to Protected Structures.

4.0 Planning History

- 4.1. There is no evidence of any previous appeal at this location. The following planning history has been made available with the LRD file.

File No	06900
Applicant	McParland Bros Ltd

Development Description	Development to consist of: demolition of a dwelling. Construction of 150 residential units including creche. Access road off the Dublin Road at a point opposite the Old Golf Links road, and all associated services, site development works and landscaping.
Decision	Conditional

File No	09813 (Parent Permission)
Applicant	McParland Bros Ltd
Development Description	Planning permission granted for 138* (reduced from 126*) residential units comprising of: 18nr 2 bedroom 2 storey mid terrace dwelling house, 2nr 3 bedroom 2 storey detached dwellinghouses, 34nr 3 bedroom 2 storey semi detached dwellinghouses, 56nr 4 bedroom 2 storey semi detached dwellinghouses, 12 nr apartments int wo nr 2.5 storey blocks each block comprising 4nf 2 bedroom apartments, 2nr 1 bedroom apartments, 1 nr crèche 262m2 with car parking, private open space and associated site developments works
Decision	Conditional

File No	1624
Applicant	McParland Bros Ltd
Development Description	Change of house type previously granted planning permission under planning ref. 09813 and associated extension of duration under ref. 15296 at no. 1-11 Bellfield Park and No.1-6 Bellfield Drive.
Decision	Conditional

- 4.1.1. According to the Planning Statement submitted with the application currently there are a total of 29no. existing dwellings constructed pursuant to permissions 06/900, 09/813 and 16/24. These existing dwellings comprise the existing Bellfield Estate, albeit with the wider site area, open spaces and creche not constructed to date. Site photos refer.
- 4.1.2. Also of relevance is the established entrance onto Dublin Road which has been constructed to facilitate both the overall development now proposed and also will serve as part of the wider link road to serve the area.

5.0 Pre-Planning (LRD Opinion Ref LRD 001)

- 5.1. It is stated that Section 247 pre-planning discussions and Formal LRD discussions were held with the Planning Authority on 15th March 2022 and on 27th July 2022 respectively pursuant to the requirements of the 2021 Act. A copy of the Manager's Order in respect of the LRD opinion issued on 19th August 2022 and a copy of the LRD meeting minutes are available to view in the appeal file.
- 5.2. The proposal discussed at these meetings comprised 205 units and a creche on a parcel of land measuring 5.7ha. The overall unit types and phasing are summarised as follows:

Unit Type	No of Units	Overall % of Unit Type
1 bed apt	19	9%
2 bed apt	68	33%
3 bd apt	52	25.5%
3 bed house	52	25.5%
4 bed house	14	7%
Total	205	100%

Phase 1	Phase 2
47 apts	92 apts
66 dwellings	
Creche	

- 5.3. The Planning Authority opinion issued stated *further consideration and / or amendment is required to constitute a reasonable basis for an application for*

permission for the proposed LRD. The **Statement of Response** sets out how each matter raised in the Formal LRD meeting are addressed as follows:

- **Zoning** - The amended site area now excludes lands zoned G1- Community Zoned Lands. The site area has been reduced to 5.25ha from 5.71ha.
- **Wastewater Treatment Capacity** - Confirmation of Feasibility from IW
- **Development and Design Strategy** - Revised site layout plan incorporating a central open space opening up the vista to St Fursey's Church.
- **Density and Phasing** - The development incorporates a mix of units appropriate to the demographic profile of the area. The positioning of Apartment blocks has been in response to both site constraints and relevant policy requirements.
- **DMURS** - The internal access road along the northern site boundary has been amended to incorporate gentle curves and a series of home zones and shared surfaces are proposed that prioritise pedestrians.
- **Future Residential Amenity** – All apartment and duplex units have been amended so that the main private amenity spaces are accessed from the living areas. Bin storage, the provision of communal space and cycle storage is incorporated.
- **Appropriate Assessment** - Natura Impact Statement submitted.
- **EIA Screening** - Updated EIA screening report submitted.
- **Surface Water** - Infrastructure Design Report which includes for surface run-off rates and infiltration rates on the site submitted.
- **Ecological Survey** - Ecological Impact Assessment submitted which clarifies the installation of Swift and House Martin nesting boxes

5.4. In summary the proposal incorporates:

- net site density proposals of 36.5 units per hectare;
- overall residential unit numbers of 183 no.;
- a variety of residential types to include apartments and duplex units;
- a variety of building typologies, heights and finishes
- a strategically located community building which incorporates a creche;

- open space provision of 16.5% of the site area;
- a DMURS compliant road layout;
- a scheme that responds to it's locational context.

6.0 Policy Context

6.1. National Policy Documents

6.1.1. The following are key legislative provisions and Section 28 Policy documents relevant to LRD applications and appeals:

- Planning and Development Act 2000 (as amended) ('the PDA 2000')
- Planning and Development Regulations 2001 (as amended) (the PDR 2001')
- Housing for All (2021)
- Appropriate Assessment Guidelines (2009)
- Development Contributions Guidelines (2013)
- Development Management Guidelines (2007)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Childcare Facilities Guidelines (2001)
- Sustainable Residential Development in Urban Areas Guidelines (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities (2021)
- Best Practice Urban Design Manual (2009)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Design Manual for Quality Housing (2021)
- Design Manual for Urban Roads & Streets (2013, updated 2019)

- Regional Guidelines

6.2. Development Plan

6.2.1. The operative plan for the area is the **Louth County Development Plan 2021 - 2027** (as varied). The site falls within both the "**A1 - Existing Residential**" and "**A2 New Residential Phase 1**" zoning as detailed in Section 13.21.5 of the Plan. The majority of the site lies within the *A 2 New Residential Zoning Phase 1* but a portion of the site at the entrance to the northeast of site which is noted as *A1 Existing Residential*.

- A1 Existing Residential "*has stated objective "to protect and enhance the amenity and character of existing residential communities"*.
- "A2 New Residential - Phase 1 "*has a stated objective "to provide for new residential neighbourhoods and supporting community facilities"*.

6.2.2. The following Development Plan polices are relevant to this proposal:

- CS2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- SS19: To support the role of Dundalk as a Regional Growth Centre and a driver of growth along the Dublin-Belfast Economic Corridor and in the border area and to facilitate the continued expansion and growth of the town based on the principles of balanced, sustainable development that enables the creation of employment, supports economic investment, and creates an attractive living and working environment.
- SS20: To continue to support and promote the economic role of Dundalk as a regional centre of employment in the border area and to facilitate any infrastructural investment or employment generating development that will strengthen the role of the town and maintain its competitiveness.
- SS21: To support sustainable high density development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.

- SS22: To support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.
- SS25: To manage the growth of Dundalk in a manner that will achieve the creation of a compact settlement with attractive and inclusive neighbourhoods where there is a choice of affordable homes for all.
- SS26: To support the implementation of the 2008 Urban Design Framework Plan for Dundalk.
- SS28: To support the sustainable development of the regeneration sites identified on the land use zoning map for appropriate uses compatible with the surrounding neighbourhood.
- HOU 1: To secure the implementation of the Louth Housing Strategy 2021-2027.
- HOU 10: To continue to support the creation of sustainable communities throughout the County for people across all the life stages by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised.
- HOU 12: To support the implementation of the Policy Statement 'Housing Options for Our Ageing Population' and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of 'rightsizing' within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.
- HOU 15: To promote development that facilitates a higher, sustainable density with supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment.
- HOU 16: To support increased buildings heights in appropriate location in the Regional Growth Centres of Dundalk and Drogheda.
- 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 23: To require the layout of residential developments to take account of the Design Manual for Urban Roads and Streets (2019) in the provision of pedestrian and cycling infrastructure and crossing points and the design of estate roads and junctions.
- 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.
- HOW 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.
- IU21: To seek to avoid the discharge of additional surface water to combined sewers and promote Sustainable Urban Drainage Systems (SuDS) and solutions to maximise the capacity of towns with combined drainage systems.
- IU23: To ensure all new developments provide for separated drainage systems.
- IU87: To promote innovate new building design and the retrofitting of existing buildings where possible, and encourage the design and construction of buildings that are functionally adaptable, to improve building energy efficiency, energy conservation and the use of renewable resources, in accordance with national policy and guidance.

6.2.3. Chapter 13: Development Management Standards, in particular sets out the following

- **13.8.15 Public Open Space** - Public open space within a development shall normally equate to 15% of the total site area.
- **13.8.17 Private Open Space** - Table 13.4: Private Open Space Requirements

Unit Type	Town Centre & Infill / Brownfield Locations	Greenfield / Suburban Locations
Dwelling	Minimum private open space requirement (m ²)	Minimum private open space requirement (m ²)
1 – 2 Bedroom	50	60
3 or More Bedrooms	60	80
Apartments & Duplexes	See Table 13.5	

- **13.9.18 Car and Cycle Parking** - The car and cycle parking requirements for residential properties are set out in Tables 13.11 and 13.12 in this chapter. Relevant extract as follows:

Development Type	Area 1	Area 2	Area 3
Residential Unit	1 per unit	1 per unit	2 per unit
Apartment	1 per apartment	1 per apartment	2 per apartment
Creche	1 per 6 children		

- **13.8. 19 Bin Storage** - Provision shall be made for the storage, segregation and recycling of waste in residential developments. Where communal bin facilities are being provided they shall be conveniently located, screened, and well ventilated.
- **13.8.24 Taking in Charge** - The policy and procedures is set out in the Council policy document: Taking in Charge Policy/Release of bond for completed Private Housing Developments.
- **13.8.26 Childcare Facilities in New Residential Developments** - The Guidelines on Childcare Facilities (2001) recommend that one childcare facility (with a capacity of 20 child places) is provided for every 75 residential units.
- **13.8.27 Apartments** - The suitability of a specific site for the development of apartments will be considered on a case-by-case basis and will take account of the location, the prevailing pattern of development of the area, the proximity to local amenities and services, and the scale of development proposed
- **13.8.28 Design Standards for New Apartments** -
- **13.8.29 Design Schedule** - Any application for an apartment development or a mixed-use development including apartments shall include a schedule.

- **13.16.9 Electric Charging Points** – In all car parking areas, provision shall be made for charging points for electric vehicles (minimum of 20% of the total spaces).

6.3. Natural Heritage Designations

- 6.3.1. The appeal site is not located in or immediately adjacent to a European Site. The Dundalk Bay SAC (000455), Dundalk Bay SPA (004026), Carlingford Mountain SAC (000453) and Stabannan Braganstown SPA (0004091) are identified as being within 15km of the appeal site.

6.4. EIA Screening

- 6.4.1. An Environmental Impact Assessment Screening Report was submitted with the application. I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 6.4.2. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size (5.25 ha), number of residential units (181) and the fact that the proposal is unlikely to give rise to significant environment effects, and that a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess / address all potential planning and environmental issues relating to the development; these are included in support of the application. The Planning Authority reported that the development was below threshold and 'EIAR is not a mandatory requirement'.
- 6.4.3. **EIAR Thresholds** - Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- (10)(b) - Urban Development which would involve the construction of more than 500 units or an area greater than 2 hectares in the case of a business district,

10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- (15)(b) - Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

6.4.4. The proposal relates to the construction of 181 no. residential units along with a creche building on a site area of 5.25 ha. The proposed development is significantly below the threshold(s) for a mandatory EIAR requirement as set above. There are no demolition works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.

6.4.5. **Sub-threshold projects requiring EIAR** - In some circumstances a development which is below the threshold of requiring an EIAR as set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) may however still require an EIAR. Section 92 of the Planning and Development Regulations 2001, as amended defines subthreshold development as development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

6.4.6. The proposed development is a type set out in Part 2 Class 10 (b)(i) and (iv) of Schedule 5 as described above but it does not exceed the relevant quantity, area or other limit specified in that Part. Therefore, it is a sub-threshold development and requires to be screened for EIA as detailed in Section 103 of the Planning and Development Regulations 2001 (as amended).

6.4.7. The site is not subject to a nature conservation designation. An NIS was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

6.4.8. I refer to the Ecological Impact Assessment submitted with the application together with Section 8.7.13 (Biodiversity) of my planning assessment below. A survey of bat habitat and static recording survey within and surrounding the study area found no

potential bat roost habitat areas. A number of measures have been described in the Ecological Impact Assessment to mitigate against any impacts on commuting and foraging bat populations during the construction and operation of this residential development. Given that no bat roosts will be impacted by the proposed development and the availability of similar better-quality habitat locally the impacts to local bat populations due to the construction of the proposed development is considered minor adverse. No evidence of breeding activity of Frog (*Rana temporaria*) or Smooth Newt (*Lissotriton vulgaris*) was found within the survey area. The area of standing water to the back of the site is not suitable frog breeding habitat due to the poor quality of water and lack of pond vegetation. No frog spawn was present here. Drainage ditches within and immediately adjacent the site were mostly dry and barren. Adults of both species may utilise the wetland adjoining the site. No Common (or Viviparous) Lizard (*Zootoca vivipara*) were recorded within the site. Possible impacts of minor adverse significance are predicted on amphibian (frogs and newts) species. Together with the mitigation measures proposed I am satisfied, that the proposed development would not have any unacceptable impacts on these species and that no significant impacts are likely to arise as a result of the proposed development.

6.4.9. I note the Irish Water Confirmation of Feasibility dated 1st July 2023 and submitted with the application where it states that upgrade works are required to increase the capacity of the Cocklehill WWPS and that connection(s) cannot take place until the planned upgrades are complete. It is further stated that Irish Water is currently progressing a project and expected completion date is Q3 2023 and that this may be subject to change. I agree with the Planning Authority that this timeframe is not considered to impact unduly on the delivery of the scheme given that this is 5-year permission and given the extent of grounds works, construction required before occupation. This timeline is considered to be an acceptable timeframe thereby reducing any concerns about environmental impact.

6.4.10. As stated the proposal falls significantly below the relevant thresholds of Schedule 5 of the Planning and Development Regulations 2001 (as amended). The proposal is in keeping with the planned development for Dundalk Town as set out under the relative zoning in the current Development Plan. Standard construction practices can be employed to mitigate any risk of noise, dust or pollution during construction stage.

The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.

6.4.11. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area.

6.4.12. I have completed an EIA screening assessment as set out in Appendix A of this report. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The third-party appeal has been prepared and submitted by Christopher Browne, Town Planner and may be summarised as follows. Notwithstanding the grounds of appeal it is submitted that the provision of additional dwellings in Bellfield is not opposed in principle. There are, however, issues with the placement and height of apartment blocks, (Block J in particular) and the provision of a new vehicular entrance into Bellfield Drive.

7.2. General

7.2.1. It is submitted that the development, as lodged with Louth County Council, is not compliant with the standards and objectives of the Louth County Development Plan 2021-2027 and is therefore not in the interest of the proposer planning and sustainable development of the area

7.3. Height, Layout and Design

7.3.1. A Design Statement was submitted with the application; however, it is considered that this document does not adequately address the increased height on the subject site. The application has not adhered to Section 3.2 of the Urban Development and Building Heights Guidelines (2018) and has failed to demonstrate how the proposed development satisfies the following criteria:

- **At the scale of the relevant city/town** – Block J located at the entrance to Bellfield, Block J will dominate the junction with Dublin Road with its overbearing scale.
- **At the scale of district neighbourhood/ street** – Block J fails to respond to its natural and built environment by providing an oversized, monolithic block which lacks character. It fails to integrate cohesively with the surrounding area, which is characterised by single and two-storey dwellings. The proposed development will provide residential accommodation only and does not offer any community or resident facilities other than a creche.
- **At the scale of the site/building** - Block J will cast significant shadows over the dwellings to the north of the site along Dublin Road, particularly during winter.
- **Specific Assessments** - No reports have been prepared regarding micro-climate effects including excess wind etc.
- **Planning Precedents** - In recent years and months, Louth County Council has refused planning permission for taller buildings across Dundalk. Some of these locations could be considered more suitable than the proposed development site due to their central location and proximity to amenities and public transport routes. Reference is made to the following applications and details of same are provided in the appeal.

1) Reg Ref 20661 *Castle Road, Seatown, Dundalk*

2) Reg. Ref. 22497 *Grange Close, Muirhevnamor. Dundalk*

3) Reg. Ref. 22156 *Knockshee, Old Golf Links Road, Blackrock, Co Louth*

7.3.2. Should the Board grant permission for this development, it is requested that Block J be relocated to the rear of the site or seek the removal of 3 no, floors from the block, thus permitting a three-storey block only.

7.4. Poor Layout and Design

7.4.1. The proposed development seeks to create an vehicular opening in the existing boundary wall at Bellfield Drive along the entrance road into Bellfield thus removing the cul de sac and pedestrian entrance only. In its current form, the cul-de-sac is used as a safe play space for children in the street. Upon removal, this area will no longer be suitable for children on the street. It is considered that the creation of a through street for vehicular use goes against the following 2 no criteria of the Urban Design Manual:

- 03 Inclusivity: How easily can people use and access the development?

The existing pedestrian entrance allows vulnerable road users to assess Bellfield Drive safely. Removing this pedestrian entrance and providing a vehicular entrance would create a traffic hazard and prevent younger residents, elderly residents, cyclists and people with disabilities from safely entering the street. This contravenes the Inclusivity criteria which requires a *design and layout that should enable easy access by all*.

- 07 Layout: How does the proposal create people-friendly streets and spaces?

The removal of a safe route for pedestrians and cyclists in favour of a new vehicular entrance contravenes this criterion, thus promoting car usage rather than more sustainable travel methods. The proposed layout of this new junction is poorly designed and given its proximity to the junction with Dublin Road, will encourage vehicles to enter the junction at high speeds, cutting the corner and creating a hazard for residents.

7.5. Lack of Consent

7.5.1. Concern is raised over consent for the inclusion of third-party lands at No 6 Bellfield Drive in the application. This boundary wall forms part of the folio for No. 6 and no consent has been sought or provided for the demolition of part of this wall in the ownership of No. 6. If the Board grants permission, then a condition should be included omitting the proposed entrance from the plans.

7.6. Contravention of Zoning Objectives

7.6.1. The site is zoned A2.New Residential, the objective of which is to provide for new residential neighbourhoods and supporting community facilities where development

shall have sustainable transport links including walking, cycling, and public transport to local services and facilities. The proposed development is not compliant with these principles.

7.7. Loss of Residential Amenity

- 7.7.1. There will be a significant loss of residential amenity to homes along Dublin Road. This would result from the negative visual impact associated with the development, the loss of privacy resulting from undue and unwarranted overlooking of the private amenity space of adjoining properties, loss of light, overshadowing and an overbearing impact arising from the dominant nature of the structure proposed.

7.8. Traffic and Connectivity Issues

- 7.8.1. The proposed development can be considered unsustainable as it will further increase car demand in this area due to poor public transport options, a lack of quality and DMURS compliant infrastructure for pedestrians and cyclists, a hostile environment dominated by high-speed traffic and a lack of services and amenities within walking or cycling distance of the subject site. This area of Dundalk has been reinforced as a car-dependent area in contravention of the development plan and national planning policy which seeks to provide compact urban development and limit suburban sprawl and the issues that occur with such planning.
- 7.8.2. The Traffic and Transport Assessment claims that the proposed development will not result in excessive volumes of traffic trips being generated from the site and will not affect the existing road network. However, it is crucial to note that the assessments were carried out on the 22nd of February 2022, during a midterm break. Therefore, it is considered that the data presented to the Planning Authority is flawed as traffic is known to reduce significantly during term breaks.
- 7.8.3. In terms of walking and cycling, Dundalk town centre is c. 4km from the site or a 50-minute walk, which is not an efficient method of reaching the town. The footpaths leading into Dundalk are far from adequate and do not comply with DMURS standards. This is at odds with and in contravention of the Louth County Development Plan 2022-2028.
- 7.8.4. Given the area in question has seen a recent boom in construction of dwellings and public transport has not maintained pace, car usage will likely increase, thus placing

further pressure on the road network. The addition of a new link road will merely allow traffic to enter the Dublin road at a different location and will not ease traffic as claimed by the Planners Report.

7.8.5. Given the quantity of new dwellings approved and constructed in the area, it appears that public transport has not maintained pace with the rate of development with services remaining similar, thus contravening Policy MOV13 of the Development Plan. The result increase in housing has also seen a significant increase in traffic in the area, resulting in congestion at filter lanes around the junction at Bellfield and Dublin Road.

7.8.6. Upon review of the proposed development and the receiving environment, it is clear that the area cannot accommodate more residential development until deficiencies in connectivity and sustainable transport options are addressed by the council, the NTA and TII. It is submitted that the proposed development is premature pending road and footpath upgrades in the area.

7.9. **Lack of Services**

7.9.1. As noted throughout this observation, the subject site and the neighbouring developments are located on the suburban edge of Dundalk. Dundalk town centre is located c. 4KM from the site, and not served by public transport or safe walking/cycling routes, thus inducing car demand. There are not enough school places in the area to facilitate current demand let alone increased demand arising from the proposed development. Claims by the Applicant that the Department of Education is satisfied that sufficient space exists in local schools for additional demand has not been verified by the department itself. The area lacks proper health facilities to sustain the current and growing population. The minor injuries unit in the Louth Hospital is the nearest large-scale health facility and is limited in treatment options and also has an age limit.

7.10. **Location of Part V Units**

7.10.1. As noted in the drawings and documents provided with the application, the proposed Part V units have been grouped together in the entirety of Block J and the ground floor of Block J. By providing all Part V units within 2 no. blocks, the applicant is failing to provide a truly mixed tenure, thus enforcing the segregation of persons of different social backgrounds, contravening the objective of Part V.

7.11. **Open Space Provisions**

7.11.1. The proposed development seeks to provide 8686sqm. of open space or 16 % of the overall site area. However, this figure relates to the area located within the red line boundary and does not take into account the existing areas of Bellfield which have been left without proper public open space since their completion, and the applicant's failure to comply with conditions set out the two permissions granted for the site. There is a shortfall of 286 sqm in open space provision.

7.12. **Location of Creche**

7.12.1. It is submitted that the proposed location of the creche on a corner is problematic in terms of traffic volume, road safety and noise pollution and could lead to traffic jams along Bellfield Drive. This will be further worsened by the lack of adequate parking. Should the creche fail to attract an operator, then this creche building could remain vacant for a significant period of time and become a hub for anti-social behaviour.

7.13. **Applicants Response**

7.13.1. The first party response to the appeal has been prepared and submitted by Genesis Planning Consultants and may be summarised as follows:

7.13.2. **Overview** - The respective appellant is not a resident within or adjacent to the project site, with an address circa 4 kilometres away. No residents within the Bellfield Estate or from the immediate locality have made an appeal to the Board. In this context the appeal falls within the provisions of Section 138(1) of the Planning and Development Acts and the Board should dismiss the appeal.

7.13.3. **Height, Layout & Design** - The proposal is consistent with the Building Height Guidelines and all development management criteria including HOU16 of the LCDP. Further the proposed building heights are an appropriate design response as envisaged under the guidelines for this outer-suburban location. The Planning Authority were satisfied with the height strategy, given the local objective under the LCDP to preserve a view from St Furseys' Church to the west and also how to achieve a variety of building heights and density in accordance with the policy context.

7.13.4. In terms of concerns raised by the appellant that Block J may impact on existing residential properties from an overshadowing perspective all existing units proximate to Block J were assessed along with their associated garden areas. No impacts of the development will arise toward third party residential units or their associated curtilages,

and the transient impact on the existing dwelling's amenity space to the north of Block J is compliant with the BRE Guidelines.

- 7.13.5. All these proposed buildings are designed in such a manner so that no direct overlooking will arise towards neighbouring dwellings or their associated curtilages. There is no direct overlooking towards third party dwellings or associated private amenity spaces.
- 7.13.6. **Poor Layout & Design** - The proposal is designed to be DMURS compliant to achieve permeability and removes an existing Cul-de-Sac. The design rationale and the road configuration has also been informed by the Road Safety Audit and Street Design Audit process via the LRD design. The site layout and design is consistent with the requirements of DMURS as it incorporates an Orthogonal Layout, the Optimal Block Size of 60-80 metres is achieved and the largest block dimension of 120 metres is also acceptable alongside the open space in order to deliver dual-frontage duplex units that both activate the street and provide a surveillance/activation of the main open space area. The proposal is well designed to maximise permeability and concerns raised by the appeal are unfounded.
- 7.13.7. **Lack of consent** - The section of wall to be removed is not within the folio of No.6 Bellfield Drive and no consent is required as the folio of no. 6 was not included within the application site boundary.
- 7.13.8. **Contravention of Zoning** - The proposal is consistent with the land use zoning objectives for the site and no matters of Material Contravention of the zoning objectives for the site arise.
- 7.13.9. **Loss of residential amenity** – This is an urban location and when assessed in the wider context of how to best deliver urban consolidation (and also achieve minimum density requirements) the proposal does not result in any overlooking or overshadowing issues and represents an appropriate scale and design quality for the Bellfield LRD proposal.
- 7.13.10. **Traffic & Connectivity Issues** - The design rationale for this project is that given the road frontage location it is ideally placed to encourage use of public transport along the Dublin Road and also avoid over-provision of car parking at street level. Going forward a local bus service is also catered for within the layout via provision of

a bus lay-by along with cycle paths alongside the link road, to encourage modal shift in future years.

7.13.11. **Lack of Services** - The proposed development will be located in a well-provided for neighbourhood and within a short distance of a wide range of services for future residents. The development will provide a range of residential types which create a sustainable community and support the existing services in the area. The Schools and Childcare Assessment demonstrates:

- Childcare/creche provision: the proposed childcare facility does not need to cater for any existing surplus demand outside of the site area itself at Bellfield and the creche as proposed will be adequately sized to accommodate up to 47 children.
- Primary and post primary school provision: there is adequate capacity in the Dundalk area going forward to cater for the proposed development in terms of both primary and post primary school provision

7.13.12. **Location of Part V Units** – The Part V unit allocation is on the basis of discussions with Housing Section in Louth Co Council who have indicated a preference for the unit types and location as proposed, which will facilitate ease of management and also provision of retirement housing units in Block J (as social and affordable housing units)

7.13.13. **Open Space Provision** - The appeal refers to the parent permissions (06/900 & 09813) and sets out how the public open space allocated under these permissions was not completed. The previously consented Bellfield development was not completed, due to the recession from 2009 onwards. The proposal will deliver 16.5% public open space along with communal spaces being provided for apartment units. This is a high-standard of public open space provision and will ensure that all residents (both existing and future) will have access to a high-quality public open space network totalling 8710sq.m (16.78%) vs the existing scenario which only has delivered circa 970sq.m public open space.

7.13.14. **Location of Creche** - The creche is ideally located at a central position within the layout to add to the sense of place and be a focal point adjacent to the public open space. Provision is made for parking and drop-off facilities; and the traffic layout was informed by the Road Design Audit and DMURS Street Design Audit.

7.14. Planning Authority Response

- 7.14.1. **Block J** – The Case Planners report has adequately addressed concerns raised by the objector in respect of the height, overshadowing caused by the development on properties to the north of the subject site along the Dublin Road. To relocate Block J would be inappropriate as this is a high point in the overall site and would conflict with the historical feature of the windmill and the protected structure Haggardstown House LHS012-051 as listed in the Louth County Development Plan 2021 - 2027 (as varied).
- 7.14.2. **Traffic Issues** - There are policies in the current Louth County Development Plan 2021 - 2027 (as varied) that require residential developments provide cycling and pedestrian infrastructure and crossing points in the design of estate roads and junctions. The provision of cycling and pedestrian infrastructure were considered adequate in respect of the subject site.
- 7.14.3. **Appropriate Consents** - The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts.
- 7.14.4. **Location of Residential Development** - The majority of the subject site is zoned is "A2 New Residential - Phase 1" which has a zoning objective "to provide for new residential neighbourhoods and supporting community facilities". The principle that the subject site should be used for residential development is therefore acceptable and is in accordance with the core strategy for this regional growth centre of Dundalk.
- 7.14.5. **Layout** - The Planning Authority had assessed that the layout of the development had 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 Planning Authority remains of the opinion that the layout is appropriate for this subject site.
- 7.14.6. **Open Space** - The quantum and quality of the proposed public open space provision proposed as part of this comprehensive development adequately accords with public open space standards and will adequately, cater for the needs of the overall residential layout and its inhabitants and that its utilisation for private amenity spaces belonging to individual houses is warranted in this instance.

7.14.7. **Location of Creche** - The creche was considered adequate in terms of its location with adequate drop off points and crossing points for visitors to the creche. Given the size of the proposed development and Condition No 16 which states that the creche be constructed prior to any residential unit on site should ensure that the development will not be vacant or unused and its delivery in a timely manner.

7.14.8. **Conclusion** - The Planning Authority would respectfully ask the Board to uphold the decision of the Planning Authority and grant permission for this development subject to any conditions attached or as deemed appropriate.

7.15. **Observations**

7.15.1. None

7.16. **Further Responses**

7.16.1. None

8.0 **Assessment**

8.1. Planning permission was sought for a LRD on 14th February 2023 for the construction of 183 residential units and associated site works including a creche at Bellfield, Haggardstown, Dundalk, Co Louth.

8.2. I note the concerns raised by the applicant in their response to the appeal that the appellant in this case is not a resident within or adjacent the appeal site and that they have an address c4km away. It is further submitted that no residents within the Bellfield Estate or from the immediate locality have made an appeal to the Board. It is in this context that the Board is asked to dismiss the appeal having regard to Section 138(1) of the Planning and Development Acts. I am satisfied that the appellants raise valid planning concerns which cannot be dismissed as vexatious. As the Board has accepted the appeal I do not therefore propose to deal with this matter any further in this assessment.

8.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Design and Layout
- Residential Amenity
- Traffic Impact
- Other Issues
- Appropriate Assessment

8.4. Principle

8.4.1. The proposed development before the Board provides for a total of 183no. residential units comprising:

- 48 no. 3 bed dwellings
- 16 no. 4 bed dwellings
- 119 no. apartments/duplex units consisting of 21 no. 1bed units, 57 no. 2bed units and 41 no. 3 bed units.

8.4.2. The proposed development also provides for a childcare facility, public open spaces, car and bicycle parking, associated ancillary site works including foul and surface water drainage, internal roads and footpaths, boundary treatment and landscape works. Vehicular access to the proposed development is via the existing entrance from the Dublin Road and incorporates the provision of a new section of link road along with a series of local streets

8.4.3. The appeal site, comprising a greenfield parcel of land, is located within the settlement boundary of Dundalk, a Regional Growth Town, adjacent to the existing Bellfield residential development. The site represents the remainder of the site area which was previously partly developed. The parent Bellfield development (06/900 & 09813) was not completed, due to the recession from 2009 onwards. These permissions have now since expired.

8.4.4. The Louth County Development Plan 2021 – 2027 (LCDP) sets out the strategic land use objectives and policies for the area. The site is located on lands zoned both A1

Existing Residential and A2 New Residential. The majority of the site lies within the “A 2 New Residential Zoning Phase 1” and seeks “to provide for new residential neighbourhoods and supporting community facilities”. The "A1 - Existing Residential" zoning objective relates to the rest of the site located at the entrance to the northeast of the site and includes Block J and adjoining housing units. This zoning seeks “to protect and enhance the amenity and character of existing residential communities”. The development on A1 lands is categorised as infill and the new residential development on A2 lands is plan led and consistent with the Core Strategy.

- 8.4.5. Taken together with the planning history it is evident that there is a clear and consistent policy to support and facilitate suitable development at this location. Given the existing pattern of development in the immediate vicinity together with the zoning policy for the site the principle of a housing development on this greenfield site is considered acceptable.

8.5. Design & Layout

- 8.5.1. The key quantitative development indicators pertaining to the scheme may be summarised as follows:

Site Area	5.25 ha.
No. of residential Units	183 no. units (64 houses & 119 apartments / duplexes)
Part V.	Proposal to build and transfer 20% of residential units
Density	36.5 uph.
Dual Aspect	100% of apartments
Car parking spaces	221 spaces for houses and apartments/creche as per Site Layout Drg No 40379-203
Cycle Parking Spaces	284 cycle spaces are provided in 7 no locations as per Site Layout Drg No 40379-203
Plot Ratio	2.94
Public open space	8686 m ² of total site area of 52,550 m ² = 16.5 % of site area
Height	Two to six storeys
Vehicular access	Single existing access from Dublin Road R132
EV Charging Points	31 EV charging points

- 8.5.2. A net residential density of 36.5 units per hectare is consistent with the objectives of the LCDP to encourage higher residential densities at appropriate locations in Dundalk such as this outer suburban site. The proposed density strikes a balance between national, regional and local policy guidance for increased residential density and efficient use of zoned lands with the protection of the existing residential communities and established character of the area. The plot ratio proposed at 2.94 is also considered acceptable for the context and is necessary to achieve the density required under the LCDP. Overall, I am satisfied that the scheme meets these relevant quantitative standards applicable at this site.
- 8.5.3. The development includes a mixture of unit types throughout the site whereby a total of 11 house types have been developed which provide detached, semi-detached & terrace unit options. Apartments and duplex units have also been provided. It is evident that the positioning of apartment blocks has been in response to both site constraints and relevant policy requirements which includes the Urban Design Manual, Urban Development and Building Height Guidelines, the NPF and the Sustainable Residential Development in Urban Areas. Matters pertaining to impact on residential amenity are discussed separately below.
- 8.5.4. I refer to the site layout plan where it is evident that the scheme has been designed around a central south facing public amenity space that frames views of St. Furseys Church a designated view VP 47 (LCDP) to the west. Together with the positioning of taller buildings at the perimeter of the site to the north this allows the vista from St Fursey's Church to be maintained through the site allowing views beyond to the Cooley Mountains. I am satisfied that the layout and in particular the main open space meets the relevant requirements of the LCDP in terms of quantity and quality and the views of St Furseys have been adequately considered and preserved in this scheme..
- 8.5.5. In addition, the development incorporates the specific road project linking the R132 through Bellfield Estate to the Marlbog Road roundabout which is a key road project as set out in Table 7.8 of the Louth County Development Plan 2021 - 2027 (as varied). I am satisfied the layout meets this key LCDP objectives.
- 8.5.6. In relation to DMURS it is noted that a series of home zones and shared surfaces are proposed, creating a residential environment that prioritises pedestrians. The

applicant has submitted a DMURS Street Design Audit. The main points of the design response may be summarised as follows:

- Connections to adjoining lands, including graveyard and wider Haynestown area
- Permeability opportunities for pedestrians/ cyclists
- Links to public open space
- Access road is separated from pedestrian routes / zones via appropriate kerbing
- Incorporation of home zones to avoid any through traffic via local streets
- Traffic calming via raised tables and courtesy strips to control speed
- Priority for pedestrians, cyclists, public transport with cars having design speed of 30 kph for local streets and 50 kph for link road
- Increased height to create sense of place
- Active street edges
- Streets overlooked
- High quality landscaping works & tree planting proposed on 6 m wide roads.
- The plaza, walkways and open space all have good surveillance and enhance pedestrian safety
- Provision of shared surfaces connect to local facilities
- Provision of adequate bicycle storage areas to encourage usability
- 2 no uncontrolled pedestrian crossing points are proposed along link road
- Central open space is only accessible to pedestrians and cyclists
- Street furniture positioned at designated locations like plaza and public open space area.
- Footpaths, verges and strips designed to required standards
- Provision of internal speed limit and children at play signs
- Pedestrian crossing points located at desire lines and close to public transport bus stops and focal points.

8.5.7. It is evident that the design and road configuration has been informed by the Road Safety Audit and Street Design Audit process. I am satisfied that a DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands has been proposed and is therefore acceptable.

8.5.8. In terms of type of units proposed the development provides a mix of 1, 2, and 3 bedroom duplex/apartment units along with 3 and 4 bed houses summarised as follows:

Description	Number	Percentage
1 bed unit (apartments)	21	11.47%
2 bed unit (apartments)	57	31.14%
3 bed unit (apartments & dwellings)	89	48.6%
4 bed unit (dwellings)	16	8.74%
Total	183	100%

8.5.9. The proposal meets with the unit mix requirement of SPP1 given that no more than 50% of the proposed units are one-bedroom. Incorporating provision of single storey units (apartments) for retirement housing complies with Section 2.4.1 of Housing for All which seeks to expand the housing options for older persons. I am satisfied that the proposed development provides for a sustainable mix of residential types which will attract a range of occupants of different demographics, household size and life cycle stages. The provision of apartments and duplex units is also wholly appropriate in the context of the 2020 and 2022 Apartment Guidelines.

8.5.10. The building typologies are broken down into blocks ranging from 2 storey dwellings, 3 storey duplex/apartment units to 6 storey apartment buildings. I am satisfied that all units have been designed to fully accord with the guidelines 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) and also the Guidelines 'Quality Housing for Sustainable Communities' and that the private amenity spaces for the proposed apartments together with the provision of communal open space will meet the required standards as set out in Appendix 1 of the apartment guidelines. Also the majority of apartment units have been designed to incorporate a minimum 10% uplift in minimum floor areas as specified under the Guidelines.

8.5.11. There are five identifiable open spaces are divided into following functional areas:

- The first is the largest area of green space located to the west of the creche adjacent to the apartment building and duplexes. This incorporates communal gardens, paly park area and outdoor gym.
- There are three further smaller open spaces to the north of the site with a final open space located to the south of the sites spine road and opposite existing houses.

8.5.12. All public areas are overlooked by housing. It is stated that 8686 m² of the total site area of 52,550 m² is allocated as open space. This equates to 16.5% of site area and exceeds the requirements of the LCDP and the Apartment Guidelines. I note the concerns raised by the appellant that there is a shortfall of 286 m² in open space proposed as it did not take into account the existing areas of Bellfield which have already been developed. Given that the proposal exceeds the minimum requirements and that 286m², as quoted by the appellant is considered necessary to meet the requirements to serve both the proposed and existing development and that same equates to c0.5% of the appeal site area the open space as proposed is adequate to meet both the existing housing on site together the proposed scheme before the Board. Overall I am satisfied that the proposed open spaces will benefit both existing and future residents.

8.5.13. The car parking requirements are set out at in Table 13.11 and 13.12 of the Development Plan. The appeal site is in Area 2 as defined under the LCDP where 1 space is required for each dwelling unit and each apartment unit. I note that there are some discrepancies in the car parking numbers provided by the applicant in the written reports when compared to the site layout plan (Drg No 40379-203 refers). It is stated that the scheme provides 222 car parking spaces. This includes provision of car spaces for the creche. However, the site layout plan indicates the provision of 221 spaces. Having regard to the nature of the proposed scheme the provision of 221 car parking spaces meets the relevant quantitative requirements and is therefore acceptable. A local bus service is also catered for within the layout via provision of a bus lay-by, to encourage modal shift in future years. The parking layout also complies with the development plan standard for the provision of EV charge points. Provision is also made for disabled drivers at a rate of 5% of communal spaces. The proposed car parking as set out in Drg No 40379-203 is acceptable.

8.5.14. I note the concerns raised regarding the lack of services in the area. Policy SC8 of the Louth County Development Plan 2021-2027 (LCDP) sets out a requirement for proposals to demonstrate how residential developments are catered for in terms of social and community infrastructure. As documented the subject site is located along an important public transport route into Dundalk close to large centres of employment, recreational, neighbourhood and educational facilities. I am satisfied that it has been demonstrated that the proposed development will be located in a well-provided for neighbourhood and within a short distance of a wide range of services for future residents. In accordance with policy SC11 of the LCDP an audit of existing childcare and schools was also undertaken by the applicant. There are a total of 37 no. childcare facilities within a 6km radius and 26 no. primary and post primary schools identified within a 5km radius of the site. Taken together with the proposed creche that it has been satisfactorily demonstrated that there is adequate capacity in the Dundalk area to cater for the proposed development in terms of preschool, primary and post primary school provision.

8.5.15. Overall I am satisfied that:

- Net site density proposals of 36.5 units per hectare which is considered to be an appropriate balance between national policy, local policy and the existing site context;
- The development will create new connections with the pedestrian, cycle and public transport stops and enable local journeys to be carried out via sustainable travel modes
- The scheme provides several pedestrian access points to the site and that the design will ensure accessibility for all.
- All open space areas, roads and footpaths will enjoy passive surveillance and ensure convenient connectivity
- The development will incorporate A rated buildings and incorporate technologies to minimise impacts on climate change.
- The development is designed to create vistas both from the locality and within the site that together with active streetscapes creates a legible hierarchy of streets

- A range of house types and sizes are proposed which range from 1 bed to 4 bed units and includes apartments and dwellings.
- A centrally located community building which will incorporate provision of a creche;
- Open space provision to a high qualitative standards of 16.5% of the site area which caters for all age brackets to include play equipment and localised pockets of open space;
- A DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and ensures connectivity with adjoining lands;
- Bus stops provided for within the site along the link road;
- Active frontages throughout the site;
- The provision of cycle and pedestrian routes within the site which will connect to the Dublin Road;
- The provision of the link road within the site as part of the local LCDP objective to serve the wider area going forward;
- A linear park which creates a vista and visual link through the site with St Fursey's Church;
- Future connectivity provided to adjacent lands;

8.5.16. It is evident that the layout and detailed design has been informed by context, policies and objectives as defined in the Louth County Development Plan 2021-2027 (as varied) and relevant Section 28 Guidelines. I am satisfied that the proposed development accords with the relevant policies for the area as set out in the County Development Plan and that the scheme is acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance as discussed below.

8.6. Residential Amenity

8.6.1. The appeal sets out concerns that the height, layout and design of the scheme and in particular apartment Block J is inappropriate for the area and that it is not consistent with the policy context either at a local or national level.

- 8.6.2. The Louth County Development Plan 2021-2027 has regard to the national height guidelines issued under the Urban Development and Building Heights Guidelines for Planning Authorities December 2018. It does not however provide height limits and instead assesses proposals for higher buildings on a case-by-case basis, having regard to the environment in which the proposed building is situated.
- 8.6.3. Accordingly I refer to the Building Height Guidelines where it states that proposed developments should use mass and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. Of relevance is SPPR 4 of the Guidelines which states that a greater mix of building heights and typologies in planning for the future development of suburban locations; and to avoid mono-type building typologies (e.g., two storey or own-door houses only), particularly, but not exclusively in any one development of 100 units or more. Accordingly, I agree with the views of the Planning Authority that the proposed building heights and in particular Block J a six-storey focal building at the entrance to Bellfield is an appropriate design response as envisaged under the guidelines for this outer-suburban location.
- 8.6.4. Separation distances between opposing rear floor windows meets the required standard of 22 metres and specific attention was also paid to ensure the proposed layout relative to existing Bellfield dwellings and neighbouring dwellings outside the site on the Dublin Road to the north adheres to an acceptable separation distance to prevent loss of amenity for third party dwellings.
- 8.6.5. All units have access to useable private amenity space in excess of minimum standards. The majority of the amenity spaces are south or south west facing to maximise the quality of sunlight within. The design also provides for all homes to be dual aspect accommodation throughout again to maximise quality of sunlight and potential for cross ventilation within the units. Within the apartment accommodation, the spaces at ground floor have boundary 'privacy strips' incorporated. There are privacy buffers accommodated within the layout and reinforced by physical boundaries (railings). Balconies and terraces are located to interact with communal amenity spaces for all apartments/ duplexes and/or be south / south west facing to take advantage of orientation (depending on site location).

- 8.6.6. In terms of design specifics incorporated into Block J (and the other blocks of height above 2 storeys) all the proposed buildings are designed in such a manner so that no direct overlooking will arise towards neighbouring dwellings or their associated curtilages. No balconies are proposed to the north facade of Block J; and this removes overlooking potential from living spaces. I am satisfied that there are no unacceptable levels of direct overlooking towards third party dwellings or associated private amenity spaces.
- 8.6.7. Further I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located within Dundalk, in accordance with national policy guidance, will result in an acceptable level of residential amenity for future occupants of this development. I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units. I am also satisfied that the scheme will not compromise access to sunlight and daylight for adjoining properties out with the boundary of the scheme.
- 8.6.8. I note the concerns raised that no microclimatic reports were prepared for this scheme. While microclimatic conditions are an indicator for evaluating outdoor space liveability and vitality particularly in high density urban schemes, I am satisfied having regard to the layout, density, typology, and location of this development that no obvious or particularly sensitive microclimatic environments should arise as a result of this development. Accordingly, microclimatic analysis is not required.

8.7. Traffic Impact

- 8.7.1. Concern is raised that the proposed development is unsustainable as it will further increase car demand due to poor public transport options, a lack of quality and DMURS compliant infrastructure for pedestrians and cyclists, a hostile environment dominated by high-speed traffic and a lack of services and amenities within walking or cycling distance of the subject site. Also submitted that neither of the bus routes in the area can be considered high-frequency and thus are far from adequate when justifying residential expansion in this part of Dundalk. The addition of a new link road will merely allow traffic to enter the Dublin Road at a different location and will not ease

traffic as claimed. It is submitted that the proposed development is premature pending road and footpath upgrades in the area.

- 8.7.2. I refer to the Traffic and Transport Assessment (TTA), the Mobility Management Plan and the Quality Audit which set out how the proposal is appropriate in terms of traffic, roads infrastructure and overall mobility management. As discussed above I am satisfied that the scheme is compliant with DMURS and concerns with regard to the physical quality of pedestrian / cycle routes external to the site, while integral to the implementation of a wider movement strategy for Dundalk are not of themselves reasons to refuse this scheme. As also documented the principle, of the development at this location is acceptable having regard to the zoning provisions for the site and the core strategy as set out in the current LCDP. The zoning consideration for these lands has been through the rigours of the Development Plan making process and is compliant with the national and regional policy. Therefore, there are no issues in principle with the residential development of these lands.
- 8.7.3. In respect of the existing road network, the site will be accessed from the R132, which is the main link between the site and Dundalk Town Centre. The R132 also provides direct access to residential, retail, amenity and employment lands north of the site and the wider national road network. The TTA has demonstrated that the site is well served by bus services with a minimum hourly service available to/from Dundalk and Drogheda/Dublin operating along the R132. The bus frequency is in my view commensurate with the location and demand at this time. The location of a bus bay / stop on each side of the R132 along the site frontage together with the provision of a bus layby within the proposed scheme means that these services are and will be easily accessible to residents of the proposed development. I am satisfied that the scheme has been well considered in terms of future public transport infrastructure, connectivity and modal shift.
- 8.7.4. In respect of traffic generation from the development to inform the TTA, the junction turning counts were undertaken at several locations as determined by the Planning Authority during preplanning consultations. As detailed in the TTA use is to be made of the existing Bellfield entrance onto Dublin Road to accommodate the proposed development. The TTA modelling also sets out the analysis of the proposed development when fully operational and takes account of wider infrastructure improvements in a future scenario to include for the link road which is to traverse the

site. In summary the TTA demonstrates that the subject site is well located in terms of access to local services and amenities. The results of the TTA also indicate that the additional traffic generated by the proposed development under respective phases and when fully operational shall have no adverse impact on road junctions in the surrounding area. I support the LCDP strategic roads objective for the provision of an internal link road and its delivery through this scheme and that it has been satisfactorily demonstrated that same will alleviate traffic on the road network.

8.7.5. Concern is raised with the removal of the wall adjacent to No 6 Bellfield Drive to facilitate a new vehicular entrance road. It is submitted that a portion of this boundary wall forms part of the folio for No 6 Bellfield Drive and no consent has been sought or provided by the owner for the demolition of same. In this regard I would draw attention to Section 34(13) of the Planning Act that states, that a person is not entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted for the proposed removal of this wall and the construction of a new vehicular entrance and should the appellant or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

8.7.6. As mentioned the development also seeks to create a vehicular entrance in the existing boundary wall at Bellfield Drive along the entrance road into Bellfield thus removing what is now a cul de sac with pedestrian only access onto Bellfield Drive. I note the concerns raised that the introduction of this new road and junction serving the apartments, duplexes, some housing and the creche will create a traffic and pedestrian hazard. A change from a quiet residential cul de sac serving a small number of houses to a new access road and junction serving a large number of residential units and crèche will have a significant impact on the existing residents and their experience of how this space is used. However, a hierarchy of movement corridors, connectivity and permeability are the corner stones of good place making. The scheme has demonstrated its compliance with DMURS and having regard to the information made available with the appeal file I am satisfied that the vehicular movement generated at this junction would not have such a significant material impact that would merit a redesign of this junction or indeed the overall scheme. In this context I am satisfied that the site layout has been carefully designed to ensure that good connections within

the site are provided and therefore the layout and vehicular entrance as presented is acceptable.

8.7.7. I have considered the information available on file. Overall, I am satisfied that given the location of the appeal site and the layout of the proposed scheme together with infrastructure improvement proposals that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.

8.8. Other Issues

8.8.1. **Part V** – Concern is raised in the appeal that by providing all Part V units within 2 no blocks (entirety of Block J and ground floor of Block I) the development is failing to provide a truly mixed tenure throughout the scheme thus enforcing social segregation and therefore contravening the requirement to counteract undue segregation (Part V Section 3(d) refers).

8.8.2. Social and Affordable Housing Part V details have been provided with the documentation. The applicant proposes to comply with their Part 5 obligations through building and transfer of units to the Planning Authority or an Approved Housing Body. However, it appears that there are three different Part V proposals noted on the LRD file as follows:

- **Part V Report** - It states that with a scheme of 183 units the Part V requirement at 20% equates to **36 units** comprising 7no. 1 bed units, 22no. 2 bed units and 7no. 3 bed units with 5 no units located in Block I and 31 units within Block J.
- **Drg No 40379-204 Part V Allocation – 37 units** to be provided (20% of 183) for Part V comprising 7no. 1 bed units, 24no. 2 bed units and 6no. 3 bed units with 6 no units located in Block I and 31 units within Block J.
- **Case Planner** – Their report states that **38 units** are to be transferred out of a total of 183 units (20%) to the Planning Authority or an Approved Housing Body. Costs calculations have been submitted. Apartments in Block I & Block J will be transferred.

- 8.8.3. The scheme comprises 183 units whereby 20% equates to **37 no units**. Accordingly, I consider Drg No 40379-204 - Part V Allocation to be the most accurate quantitative interpretation of the relevant Part V requirements and compliance.
- 8.8.4. The Planning Authority has raised no documented issues in relation to Part V. I note from the applicant's response to the appeal that the Part V unit allocation is on the basis of discussions with Housing Section in Louth Co Council who have indicated a preference for the unit types and location as proposed, which will facilitate ease of management and also provision of retirement housing units in Block J (as social and affordable housing units). In this instance I accept the applicant's response and the specific requirements of the Local Authority. Such Part V requirements are not usual and represent a sensible, informed approach that are in all likelihood based on the operational requirements of the Local Authority. In the interest of clarity, it is recommended that a condition be attached requiring that 37 units are allocated for Part V housing with details to be agreed with the Planning Authority.
- 8.8.5. **Location of Creche** – Concern is raised that the location of the proposed creche in terms of traffic volume, road safety and noise pollution. Concern is also raised that in the absence of attracting an operator the building would become a hub for anti-social behaviour.
- 8.8.6. A creche building is proposed for the core of the site. The building is designed to be doubled fronted to relate to the courtyard in front and the open green space to the rear.. Access to the crèche will be provided by the shared road adjacent to the open space where parking & laybys have been located.
- 8.8.7. I agree with the Case Planner that the central position of the creche appropriate in terms of its location adjacent to public open space with adequate drop off points and crossing points provided for visitors to the creche. I further accept that the design of the creche was based on the needs of the existing development so it is likely that children will be taken to the creche using proposed pedestrian footpaths within the residential estate. It is not anticipated that the Creach will attract significant numbers from outside the subject site.
- 8.8.8. I support the approach of the Planning Authority whereby Condition No 16 (Phasing) requires that crèche facility shall be constructed prior to the occupation of any

residential unit on site and recommend that a similar condition is attached to any grant of permission.

8.8.9. With regards to anti-social behaviour there is nothing on the appeal file to suggest that this is a significant problem in the area. Given the nature of the proposed scheme together with the above phasing condition I am satisfied that it would be unlikely that the development would lead to any significant levels of anti-social behaviour.

8.8.10. **Archaeology** – I refer to the Archaeological Assessment Report submitted with the application where it recommended that all topsoil stripping associated with the development be monitored by a suitably qualified archaeologist and that if any features of archaeological potential are discovered during the course of the works provision should be made for the full excavation of any archaeological features/deposits that may be discovered. This aligns with the recommendation of the Department of Housing, Local Government and Heritage who recommended that a condition for archaeological monitoring be included in any grant of planning permission that may issue. Wording of condition provided. It is noted that no such condition was attached by the Planning Authority. However, should the Board be minded to grant permission it is recommended that an archaeological monitoring condition is attached.

8.8.11. **Phasing** - It is proposed to deliver the entire scheme in one phase. I agree with the Planning Authority that it is important that the phasing of the apartments and houses along with the public open space and play areas are delivered in a timely manner. This matter can be dealt with by way of condition. I refer to Condition No 6 of the notification of decision to grant permission where the developer was required to phase the development as follows:

- The apartment blocks within the overall scheme shall be constructed prior to any houses,
- The crèche facility shall be constructed prior to the occupation of any residential unit on site,
- The public open space and associated play equipment including lighting shall be completed in full and all public areas landscaped as submitted and available for use prior to the occupation of any residential unit on site

8.8.12. It is recommended that should the Board be minded to grant permission that a similar condition be attached.

8.8.13. **Biodiversity** – I refer to the Ecological Impact Assessment and NIS submitted. The proposed works are largely planned for an agricultural field, with only one main managed hedgerow to the south and an immature treeline/ hedgerow / linear woodland to the north. Ecological surveys were carried out within and surrounding the proposed development site in October 2021, January 2022, June 2022 and November 2022. These were completed within the optimal time for habitats, bats, birds and botanical assessment. Surveys included those for mammals, invertebrates, birds, bats, habitats and invasive species. There are no records of any protected species recorded on the appeal site. No Annex I habitat types were recorded within or surrounding the proposed development area. No mammal refugia (e.g. setts of Badger *Meles meles* or Otter *Lutra lutra* holts) were found within the survey area.

- **Bats** – Bat surveys included a visual inspection during daylight hours of trees and hedges within the area and an assessment for roosting bats. A bat roost survey was not required owing to the nature and condition of the hedges and trees that may be affected by the project. The static recorded showed no signs of roosting behaviour. However a number of measures have been described to mitigate against any impacts on commuting and foraging bat populations during the construction and operation of this residential development. These include lighting restrictions and landscaping. I note that Condition No 14(b) of the notification of decision to grant permission issued by Louth County Council includes a requirement to provide bat boxes to ensure that bat roosting nests are provided along tree lines around the appeal site in order to prevent loss or reduction of existing habitats for commuting bats. I agree with this condition and recommend that similar be attached should the Board be minded to grant permission. Accordingly I am satisfied that the proposed scheme will not have a significant effect on bats.
- **Birds** – All birds seen and heard during surveys were recorded. All of these were species typical of farmland, woodland and hedgerows species. No Annex II (Birds Directive) bird species or red-listed species were recorded during bird surveys of the site and surrounds. Impacts on bird species (QIs) which may be utilising the Haggardstown and Mullagharlin wetland have been considered under AA below.

Amber-listed species (House martins, House Sparrows and Swifts) have been identified and mitigation measures have been drawn up to address any potential impacts to local bird populations. These include the limiting of works areas, the installation of bird boxes and the protection of woody vegetation during the bird nesting season and the creation of ecological corridors (hedgerows) on site.

- **Amphibians and Reptiles** – No evidence of breeding activity of Frog (*Rana temporaria*) or Smooth Newt (*Lissotriton vulgaris*) was found within the survey area. The area of standing water to the back of the site is not suitable frog breeding habitat due to the poor quality of water and lack of pond vegetation. No frog spawn was present here. Drainage ditches within and immediately adjacent the site were mostly dry and barren. Adults of both species may utilise the wetland adjoining the site. No Common (or Viviparous) Lizard (*Zootoca vivipara*) were recorded within the site. In terms of mitigation, it is stated that the area of works are to be strictly delineated and drainage ditches to be maintained where possible.
- **Protected Invertebrates** - No larval webs were found during the ecology surveys of the site. No stands of Devil's-Bit Scabious were recorded within or surrounding the proposed development site.
- **Invasive Species** - No invasive species noted on the 3rd Schedule of the of the European Communities (Birds and Natural Habitats) Regulations 2011 were noted on site.

8.8.14. I am satisfied that subject to compliance with the mitigation measures outlined in the Ecological Impact Assessment and NIS that the proposed development would not have any unacceptable impact on biodiversity and that no significant impacts are likely to arise as a result of the proposed development.

8.8.15. **Development Contribution** – I refer to the Louth County Council Development Contribution Scheme 2016 - 2021 that was adopted by the Council in September 2016. The proposed scheme before is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.

9.0 **Appropriate Assessment**

9.1. The application was accompanied by an AA Screening Report, NIS, Ecological Impact Assessment and an Outline Construction Management Plan. Having reviewed the documents and submissions on file including the Natura Impact Statement I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

10.0 **Stage 1 Screening for Appropriate Assessment**

10.1. **Description of proposal and local site characteristics**

10.1.1. A description of the project is provided in the Screening Report and NIS. The proposed development is also summarised in Section 2 of my report above. In summary, the proposed works comprise the construction of a residential development at a site in Bellfield, Dundalk, Co. Louth. The total site area is approx. 5.25ha and incorporates a total of 183 residential units. Associated social infrastructure to include provision of a creche are also envisaged for the project, along with ancillary open spaces. The proposed development will also include all associated ancillary site works such as foul and surface water drainage, internal roads and footpaths, boundary treatment and landscape works. Vehicular access to the proposed development is from the existing entrance onto the Dublin Road along with a new link road.

10.2. **Identification of Relevant European Sites**

10.2.1. The European Sites considered to be within the likely Zone of Impact are as follows:

- Dundalk Bay SAC 000455 – 2km
- Dundalk Bay SPA 004026 – 2km
- Carlingford Mountain SAC 000453 – 12km
- Stabannan Braganstown SPA 004091 – 13km

10.3. Assessment of Likely Effects

10.3.1. The site does not border any Natura site. The main work element that could have the potential for significant impact on European Sites are as follows:

- Construction near watercourses relating to the disturbance and potential losses of soils, organic matter, and the input of pollutants to surface water bodies as a result of the proposed work.
- Surface runoff during the operation of the residential development
- Noise and visual disturbance during construction may impacts to any waterbirds which may use the wetland to the north of the site.
- The site has the potential to harbour species which are protected as Qualifying Interests (QI's) of Internationally protected sites
- Deterioration of water quality in designated areas arising from pollution of ground waters during construction and operation stages due to increased discharge entering groundwater without sufficient filtering.
- Cumulative impacts with other proposed/existing plans and developments.

10.3.2. In relation to the following European Sites

- Carlingford Mountain SAC 000453
- Stabannan Braganstown SPA 004091

there will be no effects as the proposed development is located entirely outside these designated sites. Hydrologically these sites are not linked to the proposed development and will not be affected by emissions or drainage effects from the construction or operation of the proposed development. There is no potential for direct or indirect effects. No complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on these European Site resulting from the proposed development can be excluded and they are therefore 'screened out'. Further consideration of the Dundalk Bay SAC & Dundalk Bay SPA is considered below:

10.4. Dundalk Bay SAC & Dundalk Bay SPA

10.4.1. As stated, the nearest Natura site is Dundalk Bay Special Protection Area (Site Code 004026) and Dundalk Bay Special Area of Conservation (Site Code 004026). Dundalk Bay SPA (Site Code 000455) is one of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds

10.4.2. The Conservation Objectives for the Dundalk Bay SAC are as follows:

- To maintain Annex I habitats which the SAC has been selected at favourable conservation status.
- To maintain the extant species richness and biodiversity of the entire site.

10.4.3. The Conservation Objectives for the Dundalk Bay SPA are as follows:

- To maintain Annex I and II species for which the SPA has been selected at favourable conservation status.
- To maintain the extant species richness and biodiversity of the entire site.

10.4.4. The site-specific conservation objectives are to maintain / restore the favourable conservation condition of the following QIs:

Site Name	Qualifying Interest
Dundalk Bay SAC Site Code 000455	<ul style="list-style-type: none"> ▪ Estuaries ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Perennial vegetation of stony banks ▪ Salicornia and other annuals colonizing mud and sand ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Dundalk Bay SPA Site Code 004026	<ul style="list-style-type: none"> ▪ Great Crested Grebe <i>Podiceps cristatus</i> wintering ▪ Greylag Goose <i>Anser anser</i> wintering ▪ Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering ▪ Shelduck <i>Tadorna tadorna</i> wintering ▪ Teal <i>Anas crecca</i> wintering ▪ Mallard <i>Anas platyrhynchos</i> wintering ▪ Pintail <i>Anas acuta</i> wintering ▪ Common Scoter <i>Melanitta nigra</i> wintering ▪ Red-breasted Merganser <i>Mergus serrator</i> wintering ▪ Oystercatcher <i>Haematopus ostralegus</i> wintering ▪ Ringed Plover <i>Charadrius hiaticula</i> wintering

	<ul style="list-style-type: none"> ▪ Golden Plover <i>Pluvialis apricaria</i> wintering ▪ Grey Plover <i>Pluvialis squatarola</i> wintering ▪ Lapwing <i>Vanellus vanellus</i> wintering ▪ Knot <i>Calidris canutus</i> wintering ▪ Dunlin <i>Calidris alpina</i> wintering ▪ Black-tailed Godwit <i>Limosa limosa</i> wintering ▪ Bar-tailed Godwit <i>Limosa lapponica</i> wintering ▪ Curlew <i>Numenius arquata</i> winterin ▪ Redshank <i>Tringa totanus</i> wintering ▪ Black-headed Gull <i>Chroicocephalus ridibundus</i> wintering ▪ Common Gull <i>Larus canus</i> wintering ▪ Herring Gull <i>Larus argentatus</i> wintering ▪ Wetlands & Waterbirds
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10.4.5. There will be no habitat loss or fragmentation as a result of the proposed development. Given the nature of the qualifying interests and the location of the proposed development, no direct impact source-pathway-receptor chain could be identified. The potential for indirect impact is however considered whereby the project would result in a significant detrimental change in water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface and groundwater that could impact on water quality and potentially result in a decline in habitat quality. In addition, downstream receptors may be affected by such works with consequences for any protected species of the nearby Natura sites which may utilise this habitat by reason of a deterioration in water quality due to due to pollution and sediment inputs.

10.4.6. One wetland was identified as having the possibility to be affected by the development; Haggardstown and Mullagharlin. This is a Eutrophic lake with floating aquatic vegetation and is surrounded by narrow *Typha* reed swamp along the northern margins with small willow woodland adjoining the southern part of site. This wetland was expanded for use as an attenuation pond by Xerox Technology Park and has further developed since the site was developed. It is hydrologically connected to the appeal site by drains which were dry at the time of surveying but have the possibility to transport pollutants to the wetland affecting water quality and associated biodiversity. Mobile species have “range” outside of the European and this wetland has been identified as having the potential to host birds which are protected under the Dundalk Bay SPA.

10.4.7. Consequently, the potential for likely significant effects on these European Sites and their QIs cannot be excluded at this stage and the proposed development is therefore 'screened in' for Appropriate Assessment.

10.5. Screening Conclusion

10.5.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment for the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on Dundalk Bay SAC and Dundalk SPA, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

11.0 Stage 2 Appropriate Assessment

11.1. Ecological Baseline Description

11.1.1. No habitats listed for Dundalk Bay SPA and SAC were recorded during the field surveys of the site. No rare, threatened or protected species of plants as per the Red Data Book (Curtis and McGough, 1988) or Red List (Wyse Jackson et al., 2016) were found. No species listed in the Flora Protection Order (2022) were found to be growing within the study area. No Annex I habitat types were recorded within or surrounding the proposed development area. Habitats types encountered were typical of those of arable agriculture within the county.

11.1.2. No fauna which are protected as a qualifying interest of any Natura Site mentioned was identified on-site during surveying. No mammal refugia (e.g. setts of Badger *Meles meles* or Otter *Lutra lutra* holts) were found within the survey area. No impacts on any protected mammal species are therefore predicted.

11.1.3. There were no species recorded during the January 2022 survey which are on the Red List of the Birds of Conservation Concern in Ireland. This greenfield site does not offer ex-situ feeding for any species of wildfowl, wader or gull and the development of this site will have no impact on high tide roosts or feeding for species from the Dundalk Bay SPA. No species designated under Dundalk Bay SPA was recorded during the summer survey.

11.1.4. In the summer survey carried out in June 2022 of the birds noted Swift is red-listed while House Martin and House Sparrow are Amber-listed. All were seen utilising the site, mostly as foraging grounds but no breeding was noted. Swift, House Martin and House Sparrow are all birds which are commonly seen in built-up areas co-existing with people. Birds together with bats and amphibians are discussed further in the Biodiversity section of my report above.

11.1.5. The all-Ireland Wetland survey maps identifies an area of wetland to the north of the application site; the Haggardstown and Mullagharlin Wetland. As this is a wetland habitat suitable as foraging ground for wintering bird species, the use of the habitat by wetland birds which are a qualifying interest of the internationally designated sites cannot be ruled out. A wintering bird survey to determine if this wetland was in use by birds protected under Dundalk Bay SPA was carried out in November 2022. Of the species observed both Little Grebe and Coot are listed in the BoCCI Amber list. Mallard Duck and Wetland and Waterbirds are conservation objectives of Dundalk Bay SPA. The conservation objectives of the SPA state 'no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation'. As stated previously, deterioration of water quality in the Haggardstown and Mullagharlin wetland has the potential to negatively impact species which are protected under the SPA.

11.2. Potential Impacts

11.2.1. The proposed development at Bellfield will occur on a site that is c2km from Dundalk Bay SAC and SPA. The site is not hydrologically connected to the designated sites, but impacts upon the SAC and SPA arising from the construction and operation of this proposed development by reason of disturbance and potential losses of soils, organic matter, and the input of pollutants to surface water bodies as a result of the proposed work cannot be ruled out. In particular, downstream receptors (Haggardstown and Mullagharlin wetland) may be affected by such works with consequences for any protected species of the nearby Natura sites which may utilise this habitat. Noise and visual disturbance during construction should also be ruled out to prevent impacts to any waterbirds which may use the wetland to the north of the site.

11.2.2. Features of the development that have the potential to affect the integrity and conservation objectives of the identified Natura 2000 sites and protected species have been considered as follows:

- 1) Deterioration of water quality in wetland areas (Haggardstown and Mullagharlin eutrophic lake and associated wetland) arising from pollution of surface water run-off during site preparation and construction.
- 2) Deterioration in water quality affecting the Haggardstown and Mullagharlin wetland to the north of the application site (which may harbour protected bird species) post-construction, due to an increase in impermeable surfaces resulting in increased surface runoff.
- 3) Improper foul waste management leads to the pollution of groundwater or surface water bodies which could in turn impact water quality in the designated sites, affecting their habitats

11.2.3. I note the Irish Water Confirmation of Feasibility dated 1st July 2023 and submitted with the application where it states that the upgrade works to the wastewater treatment plant are progressing and expected completion date is Q3 2023 but that this may be subject to change. With this residential project not likely to connect until late 2024 (at the earliest) or for at least 12 months after commencement of construction no issues arise in terms of potential adverse impacts from wastewater emanating from the development when operational.

11.2.4. The qualifying interests and potential pathways for effects on the identified QIs of the Dundalk Bay SAC & Dundalk Bay SPA are described as follows:

Qualifying Interest	Potential for Adverse Effects
Estuaries	No Impact predicted
Tidal Mudflats and sandflats and Salicornia Mud	No Impact predicted
Perennial vegetation of stony banks	An increase in organic matter and eutrophication of ground water bodies from the proposed works could impact surface waters and lead to decline of perennial vegetation.

Atlantic salt meadows and Mediterranean salt meadows	Excess nutrients are a particular problem in salt marshes because they lead to eutrophication. Elevated nitrogen and phosphorus levels can be released into local water bodies or groundwater due to improperly managed septic systems.
Wetlands and Waterbirds	Possible general impacts due to <ul style="list-style-type: none"> ▪ Eutrophication ▪ Habitat Loss ▪ Pollution
Bird Species which are protected under Dundalk Bay SPA	Possible general impacts due to <ul style="list-style-type: none"> ▪ Eutrophication ▪ Habitat Loss ▪ Pollution

11.2.5. As can be seen from the table above, all of the potential impacts on qualifying interests relate to water quality and in particular the potential affects to the wetland foraging habitat to the north. Several potential impacts are common to all of the Annex II species and habitats listed

11.3. Mitigation Measures

11.3.1. The potential pathways for effects on the QIs of Dundalk Bay SAC & Dundalk Bay SPA are described in the preceding section. The measures described in the NIS, Outline Construction Management Plan and Ecological Impact Assessment are designed to ensure that the proposed development does not prevent or obstruct any of the QIs interests from maintaining / restoring favourable conservation status.

11.3.2. Mitigation measures designed to ensure compliance with the Habitats Directive Article 6 requirements are set out as follows:

Control of Pollutants during construction

The construction phase of the project will adhere to best practice guidance, particularly the CIRIA guidance document C532 Control of water pollution from construction sites. The construction approach will also adhere to the requirements set out in the Inland Fisheries Ireland guidance document Requirements for the Protection of Fisheries Habitat during Construction and Development Works and Development Sites.

During construction key requirements for control of chemical pollution risk will include:

- A Project Construction Management Plan (CMP) has been prepared as part of the planning documentation for the project. It will be a condition of the contract between proponent and the Main Contractor that the Construction Management Plan (CMP) as prepared is implemented in full. The CMP specifies how materials with the potential to adversely affect surface water quality, for example diesel and oil, will be stored and handled in a manner that minimises the risk of accidental spills or leaks. The CMP will be reviewed and updated as necessary prior to the commencement of construction. The CMP will include all measures outlined in this NIS that aim to safeguard surface water quality runoff from the construction footprint. The CMP will also ensure that spill containment and clean-up equipment is provided and maintained during the construction phase of the development.
- Excavation works will be in accordance with the requirements of the Office of Public Works (OPW) and Inland Fisheries Ireland (IFI).
- Pollution prevention measures in accordance with guidance from Inland Fisheries Ireland (2016). This will include the installation sediment traps and culverting of drainage ditches 'in the dry', where required.
- No direct discharges made to storm or land drains where there is potential for cement or residues in discharge.
- Designated impermeable cement washout areas must be provided.
- Any in-situ concrete work to be lined and areas bunded (where possible) to stop any accidental spillage.
- Any spoil or waste material generated from the construction process is to be temporarily stored at an approved location on site, before being removed to an accepting licensed waste disposal facility.
- All new infrastructure is to be installed and constructed to the relevant codes of practice and guidelines.
- All surface water infrastructure is to be pressure tested by an approved method during the construction phase and prior to connection to the public networks, all in accordance with Local Authority Requirements.

- Connections to the public network are to be carried out to the approval and / or under the supervision of the Local Authority prior to commissioning.
- All new sewers are to be inspected by CCTV survey post construction; to identify any possible physical defects for rectification prior to operational phase.
- Care will be required for the environmental management of the site to ensure that no potential contamination issues are experienced which may impact on the overall surface water quality.
- Potential issues can be mitigated against by ensuring that the development's environmental management plan is adhered to prevent accidental on-site oil spillages and the regular maintenance of on-site plant to eliminate potential risks.
- Implement best practice construction methods and practices complying with relevant legislation to avoid or reduce the risk of contamination of watercourses or groundwater.
- Surface water runoff from areas stripped of topsoil and surface water collected in excavations will be directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate.
- Weather conditions and seasonal weather variations will also be taken account of when planning excavations, with an objective of minimizing soil erosion.
- Concrete batching will take place off site or in a designed area with an impermeable surface.
- Concrete wash down and wash out of concrete trucks will take place off site or in an appropriate facility.
- Discharge from any vehicle wheel wash areas is to be directed to onsite settlement ponds.
- Oil and fuel stored on site for construction should be stored in designated areas. These areas shall be bunded and should be located away from surface water drainage and features.

- Refuelling of construction machinery shall be undertaken in designated areas away from surface water drainage in order to minimise potential contamination of the water environment. Spill kits shall be kept in these areas in the event of spillages.
- As fuels and oils are classed as hazardous materials, any on-site storage of fuel/oil, all storage tanks and all draw-off points will be bunded (or stored in double-skinned tanks) and located in the dedicated site compound. Provided that these requirements are adhered to and site crew are trained in the appropriate refuelling techniques, it is not expected that there will be any fuel/oil wastage at the site.
- Hazardous construction materials shall be stored appropriately to prevent contamination of watercourses or groundwater.
- Dewatering measures should only be employed where necessary.
- In respect of surface water networks, during the construction period the system and traps are to be inspected a minimum 4 times a year as the accumulation of silt is prevalent during this period. The number of inspections should be proactive and if silting is found to be excessive in any of the apparatus the number of inspections should be raised accordingly.
- Pipe ends associated with the surface water network should be blocked/capped off with proprietary fittings until connected to the completed storm-water system.
- In respect of disposal of any wastewater from the site, discharge from any vehicle wheel wash areas is to be directed to designated on-site settlement ponds; and any debris or sediment captured by vehicle wheel washes are to be disposed off-site at a licensed facility.
- In terms of activities associated with concrete deliveries/pours, all 'wash out' of concrete trucks will take place off site and any excess concrete is not to be disposed of on site

Control of pollutants post-construction

- All new sewers are to be inspected by CCTV survey post-construction; to identify any possible physical defects for rectification prior to operational phase.

- During operation, only clean surface water should be directed into local drains via suitable soil and silt interceptors.
- A surface water drainage design will be carried out in accordance with the GSDS and SuDS methodologies and implemented as part of a treatment train approach.
- Rear roofs of standard house will include soakage trench design to BRE365 in rear garden.
- On-street parking to incorporate permeable paving.
- All impermeable surfaces (such as front roof of house, full roof of apartments, driveways and footpaths) to incorporate a storm water network discharged into 3 no. soakage trenches in open space areas. Soakage trenches will be designed to cater for 1 in 100 year rainfall event with 20% allowance for climate change. Run-off will pass through suitably sized interceptor before entering each soakage trench.

11.3.3. The pathways that would allow potential adverse effects to occur were considered in the design of the scheme and a range of measures, as outlined above and in the Outline Construction Management Plan, are in place to avoid, remedy or reduce potential adverse effects on surface water quality during construction.

11.4. Residual Impacts

11.4.1. The design of the scheme has been developed with an overall objective of avoiding adverse effects on the ecologically sensitive sites. Mitigation measures will be implemented (as described) reducing the risk of negatively affecting water quality in the receiving surface water environment and habitat integrity thus ensuring that the receiving environment is protected, and the conservation objectives of the above Natura sites are not negatively affected by the proposed development. There are therefore, no residual direct or indirect impacts associated with the proposed development that could adversely affect the integrity of the Dundalk Bay SAC & Dundalk Bay SPA

11.5. In-Combination Effects

- 11.5.1. The proposed development was considered in combination with other developments and activities in the area that could result in cumulative impacts on European Sites. These other plans and projects are not expected to add additional cumulative and in-combination impacts to any protected sites. There are no predicted in-combination effects given the proposed Project will have no significant impacts in terms of wastewater or surface water.
- 11.5.2. The Louth County Development Plan 2021 - 2027 (as varied) has been subject to Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA) and acknowledges the importance of maintaining the county's biodiversity while at the same time promoting infrastructure and suitable residential development. The plan includes measures for promoting its waterways along with maintaining the ecology of its inland waters and rivers.
- 11.5.3. While it is considered highly unlikely that there is any potential for cumulative impacts, the implementation of the stated mitigation measure will ensure that there is no potential for adverse effects on Natura 2000 sites. Therefore, it is concluded that there will not be any significant in-combination contribution by the proposed development to possible adverse effects on the Dundalk Bay SAC & Dundalk Bay SPA

11.6. Conclusion

- 11.6.1. Based on the above, it can be concluded in view of best scientific knowledge, on the basis of objective information that the proposed development will not adversely affect the maintenance of favourable conservation status for this QI listed below within the Dundalk Bay SAC and Dundalk Bay SPA
- Perennial vegetation of stony banks
 - Atlantic salt meadows and Mediterranean salt meadows
 - Wetlands and Waterbirds
 - Bird Species which are protected under Dundalk Bay SPA
- 11.6.2. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on

the Dundalk Bay SAC and Dundalk Bay SPA and in particular potential impact to the Haggardstown and Mullagharlin wetland, a foraging habitat for QIs were identified. Appropriate Assessment has demonstrated that where potential adverse effects were identified in view of the conservation objectives of these sites, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European site.

11.6.3. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS adverse effects on the integrity of the Dundalk Bay SAC and Dundalk Bay SPA will be avoided

11.6.4. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Dundalk Bay SAC & Dundalk Bay SPA or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

12.0 Recommendation

12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject of the conditions outlined below.

12.2. Reasons and Considerations

12.2.1. Having regard to the provisions of the Louth County Development Plan 2021 - 2027 (as varied), and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered, that the scheme is in keeping with the provision of the current Development Plan and 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 and would be acceptable in terms of pedestrian and traffic safety.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Recommended Draft Order

Appeal by Christopher Browne of 73 Chapel Street, Dundalk, Co. Louth against the decision made on 6th day of April 2023 by Louth County Council to grant subject to conditions a permission to McParland Bros Builders Ltd in accordance with plans and particulars lodged with the said Council.

Proposed Development:

The development will consist of the provision of a total of 183 no. residential units along with provision of a crèche. Particulars of the development comprise as follows:

- n) Site excavation works to facilitate the proposed development to include excavation and general site preparation works.
- o) The provision of a total of 64 no. residential dwellings (8412 sqm) which will consist of the following unit mix
 - 38 no. 3bed semi-detached dwellings (house type A)
 - 8 no. 4bed semi-detached dwellings (house type A1)
 - 8 no. 3bed semi-detached dwellings (house type A1)
 - 1 no. 4bed semi-detached dwelling (house type A2)
 - 1 no. 3bed semi-detached dwelling (house type A2)
 - 4 no. 4bed detached dwellings (house type B)
 - 3 no. 4bed detached dwellings (house type C)
 - 1 no. 3bed detached dwelling (house type D)
- p) The provision of a total of 119no. apartments/duplex units (10,348.04 sqm) consisting of 21no.1 bed units, 57no. 2bed units and 41no. 3bed units across 6no. blocks ranging in height up to 6no. storeys;
- q) Provision of a creche (335 sqm)

- r) Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche, duplexes and apartment units;
- s) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site;
- t) Provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities (340.94 sqm);
- u) Use of existing access from Dublin Road with associated upgrade works to the existing internal access road to facilitate vehicular, pedestrian and cycle access;
- v) Provision of internal access roads and footpaths and associated connections to the existing Bellfield residential estate;
- w) Provision of residential communal open space areas to include a formal play area along with all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, railings & fencing;
- x) Provision of 1 no. ESB substation;
- y) Internal site works and attenuation systems to include for hydrocarbon and silt interceptors on the storm network prior to discharge to the on-site soakaways;
- z) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water, gas and ESB networks.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The provisions of the Louth County Development Plan 2021 - 2027 (as varied)
- b) The "A1 - Existing Residential" zoning objective for the majority of the site which seeks "to protect and enhance the amenity and character of existing residential communities" together with the "A2 New Residential Phase 1" zoning objective for the remainder of the site (at the entrance to the northwest of the site) which seeks "to provide for new residential neighbourhoods and supporting community facilities"
- c) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,
- f) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- g) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended;
- h) the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and services infrastructure;
- i) The pattern of existing and permitted development in the area;
- j) The submissions and observation received;
- k) the Inspectors Report

The Board 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 or of property in the vicinity, would be acceptable in terms of

urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Sites Dundalk Bay SAC (000455) and Dundalk Bay SPA(004026) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Dundalk Bay SAC (000455) and Dundalk Bay SPA(004026), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening

Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective "A1 - Existing Residential" zoning objective for the majority of the site which seeks "to protect and enhance the amenity and character of existing residential communities" together with the "A2 New Residential Phase 1" zoning objective for the remainder of the site (at the entrance to the northwest of the site) which seeks "to provide for new residential neighbourhoods and supporting community facilities" in the Louth County Development Plan 2021 - 2027 (as varied), and the results of the strategic environmental assessment of the Louth County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants. The Board considered that the proposed development is, compliant with the current Louth County Development Plan 2021 - 2027 (as varied), and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, 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>
2.	<p>The Developer is required to phase the development as follows unless otherwise agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none">▪ The apartment blocks and duplexes within the overall scheme shall be constructed prior to any houses,▪ The crèche facility shall be constructed prior to the occupation of any residential unit on site.▪ The public open space and associated play equipment including lighting shall be completed in full and all public areas landscaped as

	<p>submitted and available for use prior to the occupation of any residential unit on site.</p> <p>Reason: To ensure orderly development and a proper standard of construction and ensure residential facilities are in place prior to occupation</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. 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 visual amenity.</p>
4.	<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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the site shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<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>
7.	<p>The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs and access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. 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 amenity and of traffic and pedestrian safety.</p>
8.	<p>A minimum of 10% of all car parking spaces serving the apartments and duplex units should 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. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
9.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management</p>
10.	<p>The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>a) All the environmental, construction and ecological mitigation measures, as set out in the Natura Impact Report and associated documentation</p>

	<p>submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>b) The developer should retain the services of a recognised and suitably qualified ecologist to oversee the construction of the subject development and advice on the specified measures as set out in the application. The developer shall confirm the name of the ecologist prior to commencement of subject development for the written agreement of the Planning Authority.</p> <p>c) The developer should provide bat boxes as required ensuring that bat roosting nests are provided along tree lines around the subject site so as to prevent loss or reduction of existing habitats for commuting bats.</p> <p>Reason: To avoid any potential harmful effects to the Natura Network and to ensure environmental sustainability of the subject site</p>
12.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</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</p>

	<p>to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
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 intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of site security fencing and hoardings; d) Details of on-site car parking facilities for site workers during the course of construction; e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; f) Measures to obviate queuing of construction traffic on the adjoining road network; g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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>
16.	<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 37 no units 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 Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
17.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration. e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
18.	<p>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, that restricts all residential units permitted to first</p>

	<p>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 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>
19.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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 until taken in charge.</p>
20.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the 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>

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.

Mary Crowley

Senior Planning Inspector

10th July 2023

14.0 EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	316990-23	
Development Summary	Construction of 183 residential units and associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment, therefore EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening and NIS
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment has been submitted.
B. EXAMINATION		
	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain

	(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The development proposes the provision of 64 no residential dwellings and 119 no apartments up to six stories in height. The area is predominately characterised by two-storey houses with an employment area immediately the north of the site. The development of residential units is in keeping with the predominately residential nature of the area.	No.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development is located on a greenfield site within the development boundary of Dundalk.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which	Construction activities will require the use of potentially harmful materials, such as	No.

<p>would be harmful to human health or the environment?</p>	<p>fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p>No.</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate</p>	<p>No.</p>

<p>waters, groundwater, coastal waters or the sea?</p>	<p>emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No.</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No.</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are primarily characterised by residential development.</p>	<p>No.</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>This is a greenfield development located in an established urban area.</p>	<p>No</p>
<p>2. Location of proposed development</p>		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the 	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening and NIS accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any</p>	<p>No.</p>

<p>preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>designated European sites.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The submitted EclA, AA Screening and NIS identified the Haggardstown and Mullagharlin Wetland to the north of the site as suitable foraging ground for wintering bird species. Appropriate Assessment has demonstrated that where potential adverse effects were identified to QIs, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European site. The site is not identified as a suitable habitat for bats</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>None on site.</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>There are no such features that arise in this urban location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be</p>	<p>None on site.</p>	<p>No.</p>

affected by the project, particularly in terms of their volume and flood risk?		
2.6 Is the location susceptible to subsidence, landslides or erosion?	Site is located in a built-up urban location where such impacts are not foreseen.	No.
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a urban street network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	No.
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		

No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective A1 - Existing Residential and A2 New Residential Phase 1 in the Louth County Development Plan 2021 - 2027 (as varied)
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management Plan

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector _____

Date _____