



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317116-23

#### Development

Demolition of 3 dwellings, 2 ground floor shop units and outbuilding, boundary wall to Market House Lane and the construction of 2 retail units and 28 housing units and associated site works.

#### Location

Market Street and Market House Lane, Ardee, Co. Louth, A92 E735, A92 AW08

#### Planning Authority

Louth County Council

#### Planning Authority Reg. Ref.

22331

#### Applicant(s)

MRM Structural Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

Peter Long and Albert and Tara Mullarkey

#### Observer(s)

None

**Date of Site Inspection**

14<sup>th</sup> May 2024

**Inspector**

Elaine Power

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located within Ardee town Centre. It is bound to the west by Market Street with a variety of commercial, retail and residential uses and their associated rear open space. To the north it is bound by Market House Lane, which has a residential character. To the south it is predominantly bound by the surface car park associated with Ardee Credit Union and to the east it is predominantly bound by no. 1 The Orchard, a 2-storey dwelling and its associated private open space and partially bound by Bernard Markey Millenium Park.
- 1.2. The site has a stated area of c. 0.49ha and currently contains 3 no. vacant units fronting onto Market Street and Market House Lane and associated vacant outbuildings and structures to the rear. The rear of the site is currently overgrown. The site boundaries comprise a mix of vegetation, block work walls, stone walls and timber fencing. There is an existing gated vehicular entrance onto Market House Lane.
- 1.3. The appeal site is located within the boundary of the Ardee Architectural Conservation Area (ACA).

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of 3 no. existing buildings, containing 3 no. residential units and 2 no. ground floor retail units, and existing outbuildings and a boundary wall with Market House Lane and the construction of 28 no. residential units and 2 no. retail units. The works also include the provision of a new vehicular access from Market House Lane, 28 no. car parking spaces, bicycle parking, bin storage, open space and all associated works to facilitate the development.
- 2.2. The scheme was revised by way of further information to comprise 45 no. residential units and 1 no. retail unit on a site with a stated area of c. 0.45ha

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted for the scheme submitted by way of further information, subject to 27 no. conditions.

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

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

The initial planners report dated 16<sup>th</sup> June 2022 raised some concerns regarding the proposed scheme and requested that 10 no. items of further information be sought. These are summarised below:

1. Provide a justification for the demolition of traditional vernacular buildings in the ACA.
2. Provide a justification for the loss of historic plots for the existing buildings and ensure sufficient space remains to serve the commercial unit(s).
3. (a) provide a coherent architectural response and redesign to the overall layout of the scheme.  
(b) reconsider the overall layout to improve permeability.  
(c) further consideration of open space provision and the potential for a green link to the site to the south.  
(d) consideration of the car parking area to reduce its visual prominence and eliminate potential for conflict at the site entrance.

The response should include photomontages and a Daylight, Sunlight and Overshadowing Analysis.

4. Submit an Archaeological Impact Assessment
5. Reconsideration of the internal layout having regard to the Apartment Guidelines standards for bulky storage and internal storage and clarification of bicycle parking provision.

6. reconsideration of the layout having regard to the Sustainable Housing Development in Urban Areas standards for internal storage, floor to ceiling heights, universally designed units and the location of bathroom windows.
7. Submit a Building Lifecycle Report.
8. Details of how car parking would be assigned and managed
  - (a) A topographical survey
  - (b) a longitudinal section
  - (c) details of ground investigations carried out
  - (d) a layout plan detailing gullies to be provided
  - (e) clarify whether a water table difference is proposed
  - (f) details of underground ESB network
  - (g) updated plans to show an asphalt concrete in the roads areas and updated SUDs proposals
  - (h) a public lighting scheme
9. Revised public notices if the further information results in a significant alteration.

The planners report dated 12<sup>th</sup> April 2023 considered that all items of further information had been adequately addressed and recommended that planning permission be granted subject to conditions.

### **3.2.2. Other Technical Reports**

*Infrastructure:* Report dated 24<sup>th</sup> May 2022 recommended that further information be sought. This recommended was reflected in item 8 of the request for further information.

*Housing Finance Section:* Email dated 25<sup>th</sup> May 2022 notes that Part 5 discussions are not advanced.

*Place Making and Physical Development:* Report dated 12<sup>th</sup> April 2023 raised no objection subject to conditions.

### 3.3. Prescribed Bodies

**DAU: Department of Housing, Local Government and Heritage:** The proposed development is located within the Historic Town of Ardee, Recorded Monument LH017-101. Given the scale, extent and location of the scheme it could impact on subsurface archaeological remains. It is recommended that an Archaeological Impact Assessment be undertaken. The report dated 5<sup>th</sup> April 2023 notes the submitted Archaeological Impact Assessment and raised no objections subject to conditions.

**Uisce Eireann:** No objection subject to conditions.

### 3.4. Third Party Observations

2 no. third party submissions were received by the planning authority from Peter Long and Rosemary Higgins. 3 no. additional submissions were received following re-advertising of significant further information. These submissions were from Peter Long, Rosemary Higgins and Tara and Albert Mullarkey. The concerns raised are similar to those outlined in the appeal below.

## 4.0 Planning History

### ***Appeal Site***

*Reg. Ref. PL. 15.214750 / Reg Ref. 04/1684:* Permission was refused in 2006 to demolish existing structures on site and construct of a mixed-use development comprising of office, retail and 33 no. residential units. The 2 no. reasons for refusal related to (1) an adverse impact on the ACA and (2) substandard in terms of overlooking and out of character with the area.

*PL15.224580, Reg. Ref. 06/1805:* Permission was granted in 2007 to demolish existing structures on site and construct of 4 no. retail units, 1 no. office units and 29 residential units.

*Reg. Ref. 10/53:* Permission was granted in 2010 for the demolish existing structures on site and construct a foodstore.

## ***Surrounding Sites***

*ABP. 314176-22, Reg. Ref. 22/375:* Permission was granted in 2024 for the demolition of existing structures, including 3 houses and the construction of 10 no. apartments at the corner of Irish Street and Market House Lane, on the opposite side of the Market House Lane to the appeal site.

## **5.0 Policy Context**

### **5.1. Louth County Development Plan 2021 – 2027**

The appeal site is zoned B1 Town or Village Centre with the associated land use objective to support the development, improvement and expansion of town or village centre activities. The guidance set out in Section 13.21.8 of the plan notes that the purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. Residential uses are generally permitted.

Ardee is identified as a Self-Sustaining Growth Town in the settlement hierarchy. Self-Sustaining Growth Towns are towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

Table 2.15 indicates that Ardee had a population of 4,928 in 2016. It is envisioned that the population would increase to 6,583 by 2027. It is envisioned that Ardee would accommodate 440 no. new residential units by 2027. 8.5 ha of brownfield lands with Ardee are zoned for residential use, with a potential yield of 298 no. units to be delivered on infill / brownfield sites.

The following Policies and Objectives are considered relevant:

*Policy Objective BHC 32:* To retain any building within an Architectural Conservation Area which makes a positive contribution to the character or appearance of the area. Demolition of such structures, the removal of features and street furniture which contribute to the character of the area shall only be considered in exceptional



circumstances. Applications for demolition shall be accompanied by a measured and photographic survey, condition report and architectural heritage assessment.

*Policy Objective HOU 15:* To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

*Policy Objective HOU 24:* To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.

Policy Objective SS 35, Policy Objective SS 37, Policy Objective CS 2, Strategic Objective: SO 3, Policy Objective BHC 31, Policy Objective HOU 11, Policy Objective HOU 18, Policy Objective HOU 20 and Policy Objective HOU 26, Chapter 2 Core Strategy and Settlement Strategy, Chapter 3 Housing, Chapter 9 Built Heritage and Chapter 13 Development Management Guidelines are also considered relevant.

The Ardee ACA Character Appraisal is provided in Appendix 12.

## **5.2. *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

Ardee is identified as a Self-Sustaining Growth Town. Section 4.7 - Self Sustaining Growth Towns and Self-Sustaining Towns notes that these towns support the regional driver of Key Towns and act as important local drivers, providing a range of functions for their residential population and surrounding catchment, including housing, local employment, services, retail and leisure opportunities.

### 5.3. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.4. ***Section 28 Ministerial Guidelines***

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Architectural Heritage Guidelines for Planning Authorities, 2011

## 5.5. **Other Relevant Guidance**

- Design Manual for Urban Roads and Streets, 2013

## 5.6. **Natural Heritage Designations**

There are no designated sites in the immediate vicinity of the appeal site.

## 5.7. **EIA Screening**

5.7.1. 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:

- Construction of more than 500 dwelling units
- Urban Development which would involve 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.
- Item 15: 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.

5.7.2. The revised scheme as submitted by way of significant further information to comprise 45 no. residential units and 1 no. retail unit on a site with a stated area of c. 0.45ha. The site is located in the urban area (other parts of a built-up area) and is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Louth County Council, upon which its effects would be marginal.

- 5.7.3. Given the information submitted by the applicant, having carried out a site visit on the 14<sup>th</sup> May 2024 and to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party appeal was received from Peter Long and Albert and Tara Mullarkey. The main planning grounds of the third-party appeal are summarised below:

#### *Principle of Development*

- It is unfeasible that third parties had time to review the revised scheme and concerns that this does not meet the statutory requirements.
- The revised scheme is a new development and should be a new application.

#### *Design Approach*

- The scheme as submitted by way of further information is a complete redesign. the initial submitted plan was more in keeping with the ACA than the current scheme, in terms of density, building heights and layouts and the provision of public open space.
- The density is over 100 units per ha. This is excessive and results in overdevelopment of the site and contrary to the Sustainable Residential Development Guidelines. Ardee is not an employment centre.
- The scale of the scheme is contrary to Circular NRUP 02/2021 which cautions against large scale, rapid development that may overwhelm and detract from quintessential character of towns and villages that have developed slowly and organically over time.
- The proposed design of the scheme is out of character with the surrounding area.

- There is a lack of amenity space within the scheme. Consideration should be given to provide allotments within the development or providing a ground floor community space within the scheme. The current layout does not provide for mixing with the established community.
- There are limited separation distances between Block B and existing houses on Lamb's Terrace. Block B should be set back to respect the established building line. This would allow for appropriate footpath, cycle way and sight lines.
- The condition requiring the eastern elevation of Block B to be relocated at least 2 m from the existing house is welcomed. However, the third party should be included in the final decision. Not just the planning authority.
- The scheme would be visually obtrusive.
- The provision of an alley way from Market Street is unnecessary and does not respect the existing streetscape character by breaking up the front elevation of buildings. This alley way would also attract anti-social behaviour.

#### *Permeability*

- There is a clearly defined process for the making of a public right of way, which involves public consultation. the planning authority should not of attached a condition requiring a public right of way through private landholdings.
- It is proposed to provide a pedestrian / cycle connection to Bernard Markey Millenium Park. There are concerns that the connection would allow for anti-social behaviour with the proposed scheme. There is no passive surveillance or lighting within this park.
- Residential development to serve Ardee will be delivered at Potters Field and Bridgegate with c. 500-600 houses approved.

#### *Built Heritage*

- No report from the planning authority's Conservation Officer.
- It is unclear if An Taisce were consulted.
- Concerns that the scale, mass, height and design of the proposed scheme would negatively impact on the ACA.

- The 1920's styling of Martins Drapery Shop front should be incorporated into the new retail unit and the 2-storey height retained to ensure the scheme blends in with the other 2-storey properties.
- The Board previously refused permission (PL15.214750) on the appeal site due to negative impact on the ACA.
- The reuse of the historic boundary walls is welcomed.
- An attempt should be made to save and incorporate the stonewalls of the outbuilding into the scheme, for example as a bicycle shelter. The stone is similar to that used in the Chantry College and could be of significance.

#### *Car Parking and Transportation*

- The site is located in a 'less accessible area' as outlined in the apartment guidelines. Given the lack of public transport and other services the provision of less than 1 car parking space per residential unit is not in accordance with the Apartment Guidelines.
- The number of units on the site should be reduced to ensure 1 no. car parking space per unit.
- it is unrealistic to assume future occupants would cycle long distances.
- Ardee has a large rural population that drive to the town to use public transport. there is no park and ride facility within the town.

## **6.2. Applicant Response**

The applicant's response is summarised below:

#### *Principle of Development*

- The submission of the re-designed scheme by way of further information was requested and considered acceptable by the planning authority. This is a valid application.
- All items of further information have been fully addressed.
- The Board previously granted on the site (Pl. 15.224580, Reg. Ref. 06/1805).

- the applicant is a locally based business owner with a genuine interest in developing this site for the benefit of Ardee. Detailed and extensive consultation has been held with the planning authority.

#### *Permeability*

- The applicant has sought to enter into an agreement with the adjoining landowner regarding a future link and the site layout is designed to accommodate this. There is no proposal to provide a public right of way or carry out any works outside of the applicants site boundary.

#### *Design Approach*

- The density has been increased in response to the site's town centre location.
- The scheme achieves all relevant standards with regard to design, layout, storage, daylight, open space, unit mix etc and in excess of 50% of the units exceed the minimum areas by 10%.
- The Orchard residential scheme to the east of the appeal site is relatively modern and has a suburban layout. It bears little resemblance to the historic grain and streetscape of Ardee ACA. Therefore, this building line does not inform the design and layout of the proposed scheme. A similar building line was approved by the Board under PL. 15.224580.
- The building height is similar to that previously approved on the site and is c. 1.5m higher than the existing dwelling located to the east of the site, no. 1 The Orchard.
- The access from Market Street is in keeping with the historic pattern of development in Ardee, which included carriage arches. This entrance has been carefully incorporated into the shop front design.
- The scheme results in a high-quality development and efficient use of this underutilised site.
- All green spaces within the scheme are passively overlooked.

#### *Built Heritage*

- It is the applicants understanding that Louth County Council do not currently have a Conservation Officer.

- The Martins Drapery building has been heavily altered and retains little remaining character. A pastiche design approach is contrary to the Architectural Heritage Guidelines.
- The scheme has been carefully considered with regard to its location within the ACA.
- There is no evidence that the stone outbuilding is linked to the Chantry College in Ardee.

#### *Car Parking and Transportation*

- It is acknowledged that the scheme does not achieve the minimum car parking standards set out in the Development Plan. A rationale for the car parking provision is set out in the Design Statement. The planning authority required a reduction in the visual dominance of the proposed car parking area.
- The apartment guidelines are relevant. There is provision for a reduction in car parking on sites that are intermediate urban locations served by public transport with more than 45 units per ha.
- The sightlines and carriageway width are in accordance with DMURS.

### **6.3. Planning Authority Response**

The planning authority's response notes the contents of the appeal and considers that the planning issues raised are all addressed in the planning reports. The submission is summarised below:

- The further information was re-advertised and facilitated further submissions from the public. The processing of the application was not procedurally flawed.
- The site is a short walking distance of local services and amenities including a bus stop. The council encourage active travel in line with national policy. It is reasonable that future occupants would accept that they would be dependent on more sustainable modes of transport, such as walking, cycling and public transport.



- The scheme provides a setback on Market House Lane, which facilitates safer traffic movements at the junction with Market Street, and the provision of a footpath.
- A restricted speed limit applies on Market House Lane. It is appropriate that road users share the carriageway. To provide a 2-way segregated cycleway on Market House Lane would erode the historic settlement pattern and would prohibit the creation of a strong streetscape.
- The site's location in the town centre benefits persons with mobility issues and the elderly. A minimum of 30% of the units are universally designed.
- It is requested that the Board uphold the decision of the planning authority.

#### 6.4. **Observations**

None

#### 6.5. **Further Responses**

None

### 7.0 **Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design Approach
- Residential Amenity
- Built Heritage
- Car Parking and Transportation
- Archaeology

7.2. In the interest of clarity my assessment relates to the scheme submitted by way of significant further information. It comprises the demolition of existing structures and the construction of 45 no. residential units and 1 no. retail unit on a site with a stated area of c. 0.45ha.

7.3. ***Principle of Development***

7.3.1. The appeal site is zoned B1 Town or Village Centre with the associated land use objective to support the development, improvement and expansion of town or village centre activities. The guidance set out in Section 13.21.8 of the plan notes that the purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. Residential and shop are permitted in principle. The third party noted that consideration should be given to provide allotments within the development or providing a ground floor community space within the scheme. The third parties concern regarding the mix of uses on site is noted. However, I am satisfied that the proposed uses are in accordance with the sites zoning objective and should be assessed on their merits.

7.3.2. Concerns were also raised by the third party that the significant redesign of the scheme by way of further information does not meet the statutory requirements and that due to the limited time scale third parties did not have time to fully review the revised scheme. It is considered that the revised scheme is a new development and should be a new application. In response to the appeal the planning authority note that the further information was re-advertised and facilitated further submissions from the public. The processing of the application was not procedurally flawed and was considered valid. I am also satisfied that the proposed application is a valid application and my assessment below is based on the scheme submitted by way of further information.

7.4. ***Design Approach***

7.4.1. Concerns are raised by the third party that the scheme in terms of density, building heights and layouts and the provision of public open space is out of character with the surrounding area. It is noted that the site is located within the Ardee Architectural Conservation Area (ACA). The impact of the demolition of the existing structures and

the visual impact of the proposed scheme on the ACA is addressed separately in Section 7.6 Built Heritage below.

- 7.4.2. The appeal site generally comprises the former rear garden space of buildings fronting onto Market Street and, therefore, in my view is a backland / infill site. Section 13.8.32 of the development plan provides guidance for development in infill or backland sites. It recommends that regard be had to the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings and that the design of the building shall be of a high quality and make a positive contribution to the local streetscape and character. It further states that whilst infill and backland development will normally be required to comply with Development Plan standards there may be circumstances where these standards can be relaxed, particularly if it will result in the development of vacant or under-utilised lands in central areas of towns and villages.

#### *Quantum of Development*

- 7.4.3. The proposed scheme comprises the development of 45 no. residential units on a c. 0.45 ha site. This equates to a density of 100 units per ha. Concerns are raised by the third party that this density is excessive having regard to the character of surrounding area and does not comply with the Sustainable Residential Development Guidelines.
- 7.4.4. The Sustainable Residential Development Guidelines were superseded by the Sustainable Residential Development and Compact Settlement Guidelines in 2024. It is acknowledged that these guidelines were published subsequent to the lodging of the appeal. Table 3.5 of the Sustainable Residential Development and Compact Settlement Guidelines sets out density range of 40-100 dwellings per ha (net) for the centre and urban neighbourhood of Large Towns. Ardee is identified as a Self-Sustaining Growth Town in the settlement hierarchy with a stated population of 4,928 in 2016. The CSO ([www.cso.ie](http://www.cso.ie)) indicates that the town of Ardee had a population of 5,478 in 2022. The guidelines define Large Towns as towns with a population of 5,000+. Having regard to the population of Ardee and its designation as a Self-Sustaining Growth Town I am satisfied that the proposed density is in accordance with the provisions of the guidelines.

- 7.4.5. Variation 2 of the development plan was adopted on the 20<sup>th</sup> May 2024 to have regard to the new guidelines. Section 3.11 of the development plan (as varied) states that density is informed *by national and regional policy and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024), which requires higher density developments in centrally located areas, large urban areas and along public transport corridors*. Table 3.2 of the development plan sets out a minimum density of 35 units per ha for Ardee and Policy Objective HOU 15 which aims to promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas. I am satisfied that the proposed scheme is in accordance with the provisions of the development plan.
- 7.4.6. In addition to density, plot ratio is a tool to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. Table 13.3 of the development plan sets out a recommended plot ratio of 1 for Ardee. The scheme has a plot ratio of 1.03 which is in accordance with provisions of the development plan. The scheme has a site coverage of 40%. The development plan does not set out a recommended standard for site coverage. However, I am satisfied that this is an appropriate site coverage for a town centre site.
- 7.4.7. The concerns of the third party are noted and it is acknowledged that the quantum of development is significantly higher than existing residential developments in Ardee, however, it is my view that the proposed density, plot ratio and site coverage are appropriate at this urban site and would not result in overdevelopment and would contribute towards consolidating the urban environment which is in accordance with national, regional and local policy objectives.

#### *Design, Layout and Height*

- 7.4.8. The third party raised concerns that the scheme is out of character with the area and would be visually intrusive. The development is provided in 4 no. blocks. Block A is located at the corner of Market Street and Market House Lane. It comprises a terrace of 19 no. residential units (12 no. duplex units and 7 no. apartments) and 1 no. ground floor retail unit. This block is predominately 3-storeys in height with a 2-storey element fronting onto Market Street. The block incorporates a gated pedestrian walkway from Market Street to an area of communal open space within the scheme. Block B is a 2-

storey block containing 12 no. apartments fronting onto Market House Lane. Block C is a 3-storey block located at the sites southern boundary containing 8 no. residential units (6 no. duplex units and 2 no. apartments) and Block D is a 3-storey block located south-western portion of the site containing 6 no. residential units (4 no. duplex units and 2 no. apartments). Blocks A and D are generally located on the western portion of the site, while Blocks B and C are located on the eastern portion of the site. The eastern and western portions of the site are divided by the internal access road and surface car parking.

- 7.4.9. The scheme ranges from 2-storeys (7.5m) to 3-storeys (10.5m). The majority of buildings within Ardee town centre are 2-storeys with a limited number of single and 3-storey buildings. I am satisfied that the proposed height of the scheme would not be out of character with the town centre.
- 7.4.10. It is acknowledged that the bulk and scale of the scheme is greater than the existing terrace properties on site. However, in my opinion the design approach, which includes a traditional roof design, a variation in height and differing external materials reduces the mass and scale of the scheme. The elevational treatment to Market Street also has a vertical emphasis that is reflective of the original plot widths on the site. Overall, it is my view that this is an appropriate contemporary design approach for this town centre site.
- 7.4.11. I am also satisfied that the provision of the retail unit and the pedestrian access would result in an appropriate active frontage at Market Street. The ground floor duplex units in Block A would be accessed directly from street level while the apartments above and the apartments in Block B would be accessed from communal accesses directly from the Market House Lane. I have no objection to the proposed layout and consider that it would result in an appropriate active street frontage to both Market Street and Market House Lane.
- 7.4.12. The overall unit mix comprises 6 no. 1-bed units (13%), 2 no. 3-bed 2-person units (4%), 28 no. 2-bed 4-person units (62%) and 9 no. 3-bed units (20%). The Schedule of Accommodation including in the Design Statement indicates that all units reach and exceed the minimum requirements set out in the Apartment Guidelines. Of the 45 no. residential units, 43 no. (95.5%) are dual aspect. This significantly exceeds the

requirement of SPPR4 of the Apartment Guidelines, that a minimum of 50% of units are required to be dual aspect in suburban or intermediate locations.

- 7.4.13. Concerns are raised by third parties that there is a lack of internal amenity space within the scheme. This is a build to sell scheme, therefore, there is no requirement to provide amenity space within the residential blocks for future occupants.
- 7.4.14. As noted above, Blocks A and B sit at the site's boundary with Market House Lane. It is proposed to set the building line back c. 2m to provide a footpath along the site's northern boundary to provide a footpath. Currently there is no footpath along the site's northern boundary. The third party raised concerns that the building line on Market House Lane should be further set back in line no. 1 The Orchard to the east of the site as this would allow for increased separation distances between the existing and proposed dwellings on Market House Lane and would allow for the provision of a cycle lane. No. 1 The Orchard is set back c. 8m from the public road. In response to the appeal the applicant notes that The Orchard residential scheme is relatively modern development, constructed in c.1994 and has a suburban layout with little resemblance to the historic grain and streetscape of Ardee ACA. I agree with the applicant that the design and layout of The Orchard is suburban in nature and that its building line is not reflective of the historic pattern of development in the town centre.
- 7.4.15. It is also noted that the existing dwellings fronting onto Market House Lane, on the opposite side of the street to the proposed development, all front directly onto the public footpath. The proposed layout provides for a separation distance of c. 11m between the front elevation of the existing single storey dwellings on Market House Lane and the proposed Blocks A and B. I have no objection in principle to the separation distances and consider that they have been adequately balance with high quality urban design and placemaking considerations. I am also satisfied that there is no requirement to provide a segregated cycle lane on this secondary street within the town centre. The concerns raised regarding residential amenity are addressed below.
- 7.4.16. Overall, while it is acknowledged that the development would be highly visible within the town centre, I am satisfied that its high quality, contemporary design approach would provide an appropriate contrast to the historic setting of Ardee town centre and

would not result in a development that is out of character with the area or visually obtrusive.

### *Materials*

7.4.17. The elevational drawings submitted indicate all blocks within the scheme would be finished in render, both smooth and harling (pebble dash) effect, with elements of natural stone. However, the photomontages submitted indicate that the development is predominately finished in smooth render. The Building Lifecycle Report notes that the external materials are of high-quality durable finishes. However, in my view smooth render is not a durable material and having regard to the site's location within an ACA and the prominent corner location it is my view that smooth render is not appropriate at this location, particularly at first and second floor levels. Harling effect render is a common external material found on vernacular buildings throughout Ireland and as such I have no objection to its use in this instance. I also have no objection to the provision of natural stone and consider it would provide an appropriate contrast to the harling effect render. To ensure a high-quality external finish it is recommended that a condition be attached to any grant of permission to omit the render finish at first and second floor level and that the final details of all external materials be agreed with the planning authority.

### *Open Space*

7.4.18. Section 13.8.32 requires that backland developments do not impinge on private open space for any existing properties. The historic plot sizes / rear gardens of the appeal site have been amalgamated over time and that the subject site forms a single site. Therefore, I am satisfied that the proposed development would not impinge on private open space for any existing property. The revised layout submitted by way of further information omitted a c.400sqm area from the original scheme to allow for the retention of historical rear plots for 2 no. existing properties that front onto Market Street and associated fragments of a historic stone wall. The retention of historical features is welcomed.

7.4.19. The Apartment Guidelines set out a requirement of 5sqm of communal open space per 1-bed apartment, 6sqm per 2-bed (3-person) apartment, 7sqm per 2-bed (4-person) apartment and 9sqm per 3-bed units. Therefore, there is a requirement for

319sqm of communal open space to serve the apartments. It is proposed to provide 387sqm of communal open space to the south of Block A incorporating the pedestrian / cycle link to Market Street. The space generally comprises a linear walkway to connect the interior of the scheme to Market Street, with a linear row of tree planting and a linear gravelled area. The landscaped masterplan indicates that seating would be provided within the gravelled area while the site layout plan indicates that bicycle parking would be provided. I have no objection to the quantity of the communal open space. However, it is recommended that final details of planting, seating and bicycle parking within this area be agreed with the planning authority.

7.4.20. Section 13.8.15 of the development plan also recommends that 15% of the total site area should generally be provided as public open space. It is proposed to provide a 918sqm area of public open space which equates to c. 20% of the total site area, which is in excess of development plan standards. This area of public open space is located in the sites south-eastern corner of the site and incorporates a potential future pedestrian / cycle link to Bernard Markey Millenium Park, which is in private ownership. I have no objection to the quantity of the public open space. Section 13.8.16 of the development plan requires that schemes of 50 units or more shall include proposals for the provision of a dedicated children's play area. It is acknowledged that the scheme falls below this quantum of units. However, given the size of the public open space it is my recommendation that there is provision to incorporate natural play spaces within the space. Consideration should also be given to provide formal or informal seating within this area.

7.4.21. Each residential unit has been provided with private open space in accordance with the provisions of the Apartment Guidelines. Condition 2 (g) of the planning authority's grant of permission requires that where there are small parcels of open space contiguous to the different blocks proposed, these shall be incorporated into the amenity areas of the ground floor units and appropriately enclosed or gated. The site layout plan indicates that there are incident areas of open space adjacent to Blocks B, C and D. I agree with the planning authority's assessment that, where appropriate, these spaces should be incorporated into the private amenity spaces of the ground floor units and that a similar condition should be attached to any grant of permission.



- 7.4.22. Concerns are raised by the third party regarding the provision of a public right of way and that the potential connection to the park would result in anti-social behaviour. In response to the appeal the applicant notes that it has sought to enter into an agreement with the adjoining landowner regarding a future link and the site layout is designed to accommodate this. There is no proposal to provide a public right of way or carry out any works outside of the applicants site boundary.
- 7.4.23. Permeability and connectivity promote good placemaking and aid legibility. They also promote walking and cycling as these options are safer and more efficient. The Urban Design Manual, The Permeability Best Practice Guide and the Design Manual for Urban Roads and Streets (DMURS) all support increased connectivity and aim to improve permeability in existing developed areas. Section 2.14.5 of the development plan also states that residential development will provide connectivity and permeability between existing and future neighbourhood areas.
- 7.4.24. With regard to concerns raised regarding anti-social behaviour, the layout and orientation of the Blocks B and C ensure passive overlooking of the proposed area of public open space. It is noted that the proposed pedestrian link is subject to agreement of a third party, however, in my opinion the potential permeability is welcomed and considered to be in accordance with Policy Objective HOU 24 to *require the provision of high-quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked* and the provisions of DMURS.

### *Conclusion*

- 7.4.25. It is acknowledged that the scheme would introduce a new architectural typology and change the character of the site. However, it is my view that the design approach is well considered and has regard to the site's urban context and that the design and orientation of the blocks provides an appropriate urban edge to both Market Street and Market House Lane. In my view the redevelopment of this underutilised brownfield site is welcomed and represents a high-quality, contemporary scheme, which includes variety in height, scale and uses that would positively contribute to the streetscape, aid with placemaking and legibility and the consolidation of the urban environment. It

is also noted that the planning authority raised no objection to the proposed design and layout.

## **7.5. Residential Amenity**

### *Overlooking and Overbearing Impact*

- 7.5.1. The appeal site is located within Ardee town centre. It is bound to the west by Market Street with a variety of commercial, retail and residential uses. To the north it is bound by Market House Lane, there are 9 no. single storey and 2 no. 2-storey dwellings on the opposite side of the street. To the south the site is predominantly bound by the surface car park associated with Ardee Credit Union and to the east it is predominantly bound by no. 1 The Orchard, a 2-storey dwelling and its associated private open space and partially by Bernard Markey Millenium Park.
- 7.5.2. No specific concerns were raised by the third-party regarding overbearing or overlooking impact. However, the appeal makes reference to the impact of the building lines of Block B. As noted above, the layout provides for a separation distance of c. 11m between the front elevation of the existing dwellings fronting onto Market House Lane and the proposed Blocks A and B.
- 7.5.3. The applicant references the standards set out in the Sustainable Residential Development in Urban Areas Guidelines. As noted above, these Guidelines were superseded by the Sustainable Residential Development and Compact Settlement Guidelines in January 2024, subsequent to the appeal being lodged. SPPR 1 – Separation Distances of the Sustainable Residential Development and Compact Settlement Guidelines requires a minimum separation distance of 16 meters between opposing rear and side windows above ground floor level. It further states that there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. It is noted that the separation distance between the front elevation of the existing dwellings fronting onto Market House Lane and the proposed Blocks A and B is less than 16m, however, given the front orientation of the existing dwellings I am satisfied that the separation distance is in accordance with the provisions of the Compact Settlement Guidelines.

- 7.5.4. With regard to a potential impact on existing dwellings on Market House Lane, it is acknowledged that the proposed scheme would be highly visible from these existing dwellings. However, given the relatively limited height of the scheme (2-3 storeys), the town centre location and the front orientation of the existing dwellings I am satisfied that the proposed scheme would not have an overbearing impact or result in any undue overlooking of these existing dwellings.
- 7.5.5. The eastern (side) elevation of Block B also sits at the boundary with no. 1 The Orchard. There is an existing 3.6m high historic stone wall located between the appeal site and no. 1 The Orchard. There is a separation distance of c.2.5m between Block B and the existing dwelling. Block B is c. 1.5m higher than the ridge of the existing dwelling. It is acknowledged that Block B would sit forward of the building line of no. 1 The Orchard and would be visible from the front garden. However, given the relatively limited height of the proposed scheme and the existing 3.6m high boundary wall to be retained, I am satisfied that it would not result in an overbearing impact.
- 7.5.6. There are no windows on the eastern elevation of Block B. However, the first-floor balcony serving unit 31 is located c. 5m from the existing dwelling. It is noted that the orientation of this balcony is primarily west facing. However, to prevent any undue overlooking it is recommended that a condition be attached to any grant of permission that the eastern elevation of this balcony be appropriately screened. Overall, I am satisfied that the proposed scheme would not result in any undue overlooking of No. 1 The Orchard.
- 7.5.7. With regard to the internal layout of the scheme I have concerns regarding the proposed c. 8.5m separation distance between the ground floor level balcony of apartment unit 22 (Block B) and a bedroom window in duplex unit 32 (Block C). The Compact Settlement Guidelines state that there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. While it is acknowledged that these are both ground floor windows it is my opinion that the limited separation distance has the potential to result in excessive overlooking. It is recommended that a condition be attached to any grant of permission that the bedroom window on the northern elevation of unit 32 be replaced with a high level

window or fitted with appropriate screening such as louvres. This separation distance is repeated at first floor level. At first floor level the balcony of apartment unit 23 is located c. 8.5m from the living room window of unit 32. The living space of unit 32 is dual aspect, therefore, it is recommended that a condition be attached to any grant of permission that the secondary window on the northern elevation of unit 32 (Block C) be high level only or fitted with appropriate screening such as louvres. As Block B is a 2-storey building there are no directly opposing windows at second floor level.

- 7.5.8. It is noted that the separation distance between Blocks A and D also falls below the recommended 16m. In this regard there is a 13m separation distance between the ground floor balcony of duplex unit 12 (Block A) and a ground floor bedroom window of duplex unit 40 (Block D). Given the layout of duplex unit 40 it is my recommendation that a condition be attached that the window on the northern elevation of duplex unit 40 be relocated to the western elevation of the unit. The western elevation would directly oppose the historic wall to be retained between the proposed development and the rear open space associated with the commercial units fronting onto Market Street.
- 7.5.9. At first-floor level there is a separation distance of c. 15m between directly opposing windows in the units. As the window on the northern elevation of duplex unit 40 is a secondary window it is my recommendation that this window be high level only or fitted with appropriate screening such as louvres. There are no directly opposing windows at second floor level.
- 7.5.10. It is also noted that there are limited separation distances between balconies. It is recommended that a condition be attached to any grant of permission that, where appropriate, the side elevations of balconies be appropriately screened to prevent undue overlooking.
- 7.5.11. Overall, it is my opinion that, subject to the conditions outlined above, the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with passive overlooking of public / communal spaces.

*Daylight, Sunlight and Overshadowing*

- 7.5.12. The applicant submitted a Daylight and Sunlight Assessment by way of further information. No specific concerns were raised by the third-party regarding daylight, sunlight or overshadowing. However, concerns are raised that the proposed development would negatively impact on existing residential amenities. The development plan does not specifically require the submission of a Daylight and Sunlight Assessment. However, Policy HOU 30 encourages *building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice*.
- 7.5.13. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- 7.5.14. The Apartments Guidelines, 2023 also state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.
- 7.5.15. The applicant's assessment of daylight and overshadowing relies on the standards in the following documents:
- BR209 2022: BRE: Site Layout Planning for Daylight and Sunlight (Third edition).
  - BS EN 17037:2018 Daylight in Buildings
  - BS EN 17037:2018 National Annex

### *Internal Daylight, Sunlight and Overshadowing*

- 7.5.16. BS EN 17037:2018 National Annex sets out target illuminance values of 200 lux for kitchens, 150 lux for living rooms and 100 lux for bedrooms. The national annex notes that where a room serves a dual purpose the target illuminance with the highest values is applicable.
- 7.5.17. The layout of the proposed units includes a combined kitchen/living/dining (K/L/D) room. As these rooms serve more than one function, the applicant's analysis applied the 200-lux target to the K/L/D rooms. The applicant's analysis was carried out on all 137 no. rooms (45 no. K/L/D rooms and 92 no. bedrooms), which includes a mix of unit sizes, floor levels and orientations. The information provided in Tables 4-7 indicates that the scheme has an 100% compliance with the recommended target of 200lux for K/L/D rooms and 100 lux for bedrooms.
- 7.5.18. BR209:2022 and BS EN 17037 also set out recommendations for sunlight hours to be achieved, on the 21<sup>st</sup> March. The guidelines set out three levels, in this regard Minimum (1.5 hours), Medium (3 hours) and High (4 hours). Tables 8 – 14 indicate that 44 of the 45 no. or 97.8% of the main living room windows assess achieve the recommended minimum standard of 1.5 hours of sunlight exposure on the 21<sup>st</sup> March. The only window that did not meet this standard is a east facing ground floor window in Block A, this is predominantly due to the impact of a balcony projection above.
- 7.5.19. Having regard to the information submitted with the application, which is robust, and evidence based, I am satisfied that all of the rooms within the scheme would be well lit.
- 7.5.20. Section 3.3 of the BRE guide states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Section 5 of the report indicates that the proposed public open space area would achieve this BRE target. However, it is noted that the proposed communal open space to the south of Block A has not been assessed. While the lack of an assessment is noted, given

the sites orientation and the relatively limited height of the scheme I am satisfied that this area would not be unduly overshadowed.

#### *External Daylight, Sunlight and Overshadowing*

- 7.5.21. As noted above the scheme is bound to the north by Market House Lane, on the opposite side of the street there are 9 no. single story dwellings and 2 no. 2-storey dwellings. To the east it is bound predominantly by no. 1 The Orchard, a 2-storey detached dwelling and its associated private open space. In accordance with Section 3.3 of the BRE guide the applicant carried out an assessment of sunlight in the private open space of 2 no. existing dwellings, in this regard no. 1 The Orchard and private open space that appears to be associated with no. 9 Market House Lane. Section 4 of the report indicates that the proposed development would have no impact on the private amenity space of no. 1 The Orchard and would have a negligible impact on the private open space associated with no. 9 Market House Lane. Both of these spaces would receive in excess of the BRE standard.
- 7.5.22. The applicant has not carried out an assessment of the impact of the proposed scheme on access to daylight to the existing adjacent properties. However, section 6 of the report includes shadow study diagrams. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development and the shadow study diagrams submitted I am satisfied that the proposed scheme would not result in undue overshadowing of any existing residential dwellings and a technical assessment of daylight, performance is not necessary in this instance.

#### **7.6. Built Heritage**

- 7.6.1. The appeal site is located within the boundary of Ardee Architectural Conservation Area (ACA). Appendix 12 of the Development Plan sets out the Ardee ACA Character Appraisal. It notes that Ardee is one of the best examples of a medieval market town

in Ireland. Market Street is described as having a busy and urban character reflected in more individual architectural expression. The northern section of Market Street, where the appeal site is located, typically comprises simple 2-storey buildings along the main street with no significant features or buildings of significance noted. The historic mapping indicates that the appeal site previously formed 2 linear plots and the rear garden area of a separate (third) plot fronting onto Market Street

- 7.6.2. The proposed works include the demolition of 3 no. habitable dwellings, 2 no. of which include a ground floor shop unit, an existing outbuilding and boundary walls to Market House Lane. Policy Objective BHC 32 aims *to retain any building within an Architectural Conservation Area which makes a positive contribution to the character or appearance of the area. Demolition of such structures, the removal of features and street furniture which contribute to the character of the area shall only be considered in exceptional circumstances. Applications for demolition shall be accompanied by a measured and photographic survey, condition report and architectural heritage assessment.*
- 7.6.3. In response to the request for further information the applicant submitted a Conservation Impact Assessment which justifies the demolition of the existing buildings. The applicants report notes that consideration was given to the refurbishment and reuse of the existing buildings on site. However, given the significant interventions that would be required to the existing buildings to meet current standards and the planning authority's requirement to increase the width of Market House Lane to a minimum of 4.8m in width with an additional 2m wide footpath it was considered that there would be little remaining historic fabric that would contribute to the character of the ACA. It is noted that following receipt of further information the planning authority raised no objection to the demolition of the buildings.
- 7.6.4. The applicants Condition Survey indicates that all 3 no. existing dwellings / retail units are in poor / extremely poor condition. Having regard to the information submitted by the applicant and having carried out a site visit on the 14<sup>th</sup> May 2024 I am satisfied that the existing buildings on site have been considerably altered overtime and are of no intrinsic value and that their primary contribution, from an architectural perspective, is that they form part of the streetscape within the ACA. I am satisfied that their demolition would not adversely affect the character of the ACA.



- 7.6.5. The proposed works include the demolition of existing outbuilding. The Condition Survey indicates that this structure is in extremely poor condition. The third party considers that the stone walls of this structures should be incorporated into the scheme, as they could be structures of significance. In response to the appeal the applicant notes that there is no evidence that the stone outbuilding is linked to any historic building. The applicant Conservation Assessment notes that the outbuilding comprises a single storey stone rubble and brick structure with a flat corrugated metal roof and was likely to be an agricultural or storage structure from the early 19<sup>th</sup> century. From the information submitted I am satisfied that the outbuilding does not contain any features of architectural merit and is in a state of disrepair. I have no objection to its demolition.
- 7.6.6. The sites eastern boundary with no. 1 The Orchard comprises a historic stone wall. This wall is not a protected structure. However, the Ardee ACA Character Appraisal notes that a network of rubble stone walls delineating the former plots of land are still evident within the town. Therefore, its retention within the site is welcomed. Condition 2(h) of the grant of permission requires that all historic stone walls shall be permanently retained and repaired as required. It is recommended that a similar condition be attached to any grant of permission.
- 7.6.7. Condition 2 (g) of the grant of permission also requires that Block B be set back from the eastern boundary of the site sufficiently to facilitate the maintenance of the eastern elevation of Block B and to ensure the stability and longevity of the historic boundary wall is not compromised. Having regard to the limited height and scale of the Block B and to the use of high-quality external materials I have no concerns regarding the on-going maintenance of the eastern elevation of Block B and consider this element of the condition to be unwarranted. However, having regard to the proximity of Block B Blocks D to historic stone walls at the sites eastern and western boundaries it is recommended that a condition be attached that a pre-construction structural survey be carried out to assess the stability of the walls and to ensure the proposed development does not negatively impact on the existing walls bounding the site.
- 7.6.8. The applicants Conservation Assessment notes that the demolition works would be carried out by competent and experience contractors and that salvageable materials would be reused where possible. The reuse of salvaged materials is welcomed.

- 7.6.9. Overall, I have no objection in principle to the proposed demolition works and consider them to be in accordance with Policy Objective BHC 32 and the provisions of the Architectural Heritage Guidelines.
- 7.6.10. The third-party states that consideration should be given to incorporating the style of the existing retail unit 'Martins Drapery Shop' into the sites western elevation fronting onto Market Street. With regard to new and infill developments the Ardee ACA Character Appraisal notes that contemporary interpretations and detail which allow the new building to be identified as an addition should be favoured over pastiche styles in order to avoid undermining the authenticity of ACA. Section 3.10.1 of the Architectural Heritage Guidelines notes replacement in replica should only be contemplated if necessary. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. Given the variety of building size, style and function on Market Street it is my opinion that a pastiche design approach would undermine the character of the ACA and is not appropriate in this instance.
- 7.6.11. Concerns are raised by the third party that the scale, mass, height and design of the proposed scheme would negatively impact on the ACA. Section 3.10.2 of the Architectural Heritage Guidelines notes that when it is proposed to demolish an undistinguished building in an ACA, the *proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area*. Block A sits at the corner of Market Street and Market House Lane and would be highly visible within the ACA. The western elevation of Block A has a c.21m frontage onto Market Street. The proposed building has a traditional roof design and varies in height from 2-storeys (7.5m) to 3-storeys (10.5m). The elevational treatment has a vertical emphasis, and the building incorporates a gated pedestrian walkway through the block, which in my opinion breaks up the scale and mass of the block and is appropriate in this instance.
- 7.6.12. Specific concerns were also raised by the third party that the provision of a pedestrian walkway from Market Street is unnecessary and does not respect the existing streetscape character by breaking up the front elevation of buildings. In my opinion the proposed pedestrian link would have a positive contribution to the streetscape as it would break up the scale and massing of the building and improve permeability

through the site. It is acknowledged that the appeal site did not originally contain an archway, however, the contemporary design approach does not intend to replicate the original design of the vernacular buildings on site.

7.6.13. I am satisfied that the proposed contemporary design approach provides a clear distinction from the historic buildings on Market Street and would provide an appropriate streetscape which is respectful to the scale and character of the historic buildings within the ACA.

7.6.14. The northern elevation of the scheme (Blocks A and B) front onto Market House Lane. The Ardee ACA Character Appraisal describes Market House Lane as a narrow side lane, which reflects the historic character of the side lanes which has now largely disappeared. Again, I am satisfied that the use of differing materials and the variation in height and the reduces the mass and scale of the scheme. As noted above the appellant raised concerns regarding the building line on Market House Lane and considered that it should be set back in line with no. 1 The Orchard. This would significantly increase the width of Market House Lane and negatively impact on the hierarchy of streets within the ACA.

7.6.15. Concerns are also raised by the third party that there is no report on file from the Conservation Officer in Louth County Council. There is no statutory requirement for a planning application to be assessed by a conservation officer and the planning authority's report provides a full and comprehensive assessment of built heritage. Concerns are also raised that An Taisce may not have been consulted. The documentation on file indicates that a number of prescribed bodies, including An Taisce were consulted by the planning authority. No response was received.

## **7.7. *Car Parking and Transportation***

7.7.1. It is proposed to provide 17 no. surface level car parking spaces, including 1 no. disabled space, to serve the 45 no. residential units. Concerns are raised by the third party regarding the proposed car parking provision on site and consider that the site is a 'less accessible area' as outlined in the apartment guidelines and given the lack of public transport and other services the provision of less than 1 car parking space per residential unit is not in accordance with the Apartment Guidelines.

- 7.7.2. Table 13.11 of the development plan sets out a car parking standard of 2 no. spaces per apartment and duplex unit and 1 no space per 20sqm of retail (food) space in Area 3. Area 3 is identified as Intermediate and Peripheral locations which include self-sustaining growth towns. The definition of Intermediate locations are lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services; and lands within 500 metres (i.e. 6 minute walk) of a reasonably frequent (minimum 15 minute peak hour frequency) urban bus service. Peripheral locations are lands that do not meet the proximity or accessibility criteria detailed above.
- 7.7.3. Section 0.11 of the applicants Design Statement submitted by way of further information outlines public transport within Ardee. It is noted that the town centre stop, c. 150m from the appeal site, is served by a number of infrequent routes. These include Bus Eireann route 167 which provides a link between Dundalk and Mullingar every hour Monday to Friday and route 182 between Drogheda and Monaghan every 2 hours. Collins Coaches also operate a service between Dublin city centre and Carrickmacross via Ardee every hour during the peak period. It is acknowledged that the appeal site is not located within close proximity to high frequency or high capacity public transport and, therefore, does not comply with the recommended car parking standard set out in Table 13.16.12.
- 7.7.4. However, Section 13.16.13 of the development plan notes that a reduction in the car parking requirement may be acceptable subject to a number of criteria. These criteria include proximity to available parking, dual use of car parking spaces, public transport links, central location, or existing level of car parking within the site to serve an existing use. In my opinion the appeal site falls within a central location such that residents are likely to walk or cycle. Therefore, a reduction in car parking is considered acceptable.
- 7.7.5. In addition, Section 4.23 of the Apartment Guidelines provides a definition of an Intermediate Urban Locations as suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net and that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. The appeal site is located within the town centre of Ardee and is served by public transport. Ardee is identified as a Self-Sustaining Growth Town in

the development plans settlement hierarchy. Self-Sustaining Growth Towns are identified as towns with a moderate level of jobs and services with good transport links and capacity for continued commensurate growth to become more self-sustaining. The proposed scheme also has a density above 45 units per ha. In accordance with the provisions of the Apartment Guidelines I am satisfied that the appeal site is a suitable location for reduced car parking standards.

7.7.6. Section 4.25 of the Apartment Guidelines notes that for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. In this regard it is noted that there are existing on-street car parking spaces on Market Street, immediately adjacent to the appeal site. These spaces would be retained. There are also loading bays and disabled car parking spaces along the main street of Ardee town centre, comprising Castle Street / Market Street / Irish Street Market and surrounding road network. I am satisfied that there are sufficient spaces within the proposed scheme and on the surrounding road network to allow for adequate car parking for servicing / deliveries, drop off / collection, visitors and mobility impaired. Given the number of surface level car parking is it recommended that consideration should be given to the provision of a car sharing club within the scheme. This could be addressed in a Car Parking Management Plan submitted by way of condition.

7.7.7. The proposed scheme also includes 116 no. cycle parking spaces. This quantum of cycle parking is in accordance with provisions of Table 13.12 of the development plan and Section 4.17 the Apartment Guidelines.

7.7.8. Overall, I am satisfied that sufficient car parking has been provided within the scheme to accommodate the residential and retail use and would not result in overspill car parking on the surrounding road network. It is also noted that a reduction in surface level car parking was required by the planning authority by way of further information.

## 7.8. ***Archaeology***

7.8.1. The proposed development is located within the Historic Town of Ardee, Recorded Monument LH017-101. The development plans composite map for Ardee indicates

that the appeal site is located within a Zone of Archaeological Potential. An Archaeological Impact Assessment was submitted by way of further information. It noted that the town wall is thought to be located on the northern side of Market House Lane, outside of the appeal site. Trench testing was carried out on the site as part of the assessment. No trace of the town wall was encountered within the site and no earlier definitive fabric pre-dating the 18<sup>th</sup> century was uncovered. However, it is possible that other previously unknown archaeological features existing within the appeal site. It is recommended that a condition be attached to any grant of permission that the sub-surface works be subject to archaeological monitoring. The submission from the DAU to the planning authority dated 5<sup>th</sup> April 2023 notes the submitted Archaeological Impact Assessment and raised no objections subject to appropriate archaeological monitoring conditions. I agree that a condition requiring archaeological monitoring be attached to any grant of permission.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The designated sites within 15km of the subject site are outlined below:
- Stabannan – Braganstown SPA (004091), c. 5km from the appeal site
  - Dundalk Bay SPA (004026), c.12.4km from the appeal site
  - Dundalk Bay SAC (000455) c.12.4km from the appeal site
  - River Boyne and River Black water SAC (002299) c.12.4km from the appeal site
- 8.3. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 45 no. residential units and a retail unit. The surrounding area is urban in nature with a variety of uses, including retail, commercial units, residential, institutional, and community uses. The site is serviced by public water supply and foul drainage networks. The development site is located in a heavily urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

- 8.4. No concerns were raised in the appeal regarding the impact of the proposed development on any designated site.
- 8.4.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 8.4.2. The River Dee is located c. 40m north of the appeal site. There are no watercourses within the site and there is no hydrological connection between the appeal site and any of the designated sites. The site is located within an urban area and there is extensive buffer between the appeal site and the designated sites.
- 8.4.3. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the zone of influence from surface water run-off can be excluded given the distant and lack of a hydrological connection and the nature and scale of the development.
- 8.4.4. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note that the proposal would not generate any demands on the existing municipal sewers for surface water.
- 8.4.5. The foul discharge from the proposed development would drain via the public sewer to the Ardee wastewater treatment plant for treatment and ultimately discharge to the Irish Sea. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Irish Sea due to the wastewater pathway. The subject site is identified for development through the land use policies of the Louth County Development Plan 2023-2029. This statutory plan was adopted in 2023 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant

demands on the existing municipal sewers for foul water. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ardee WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Uisce Eireann raised no concerns in relation to the proposed development.

- 8.5. There are no excavation works proposed and no effects on groundwater are expected.
- 8.6. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 8.7. It is noted that the planning authority were satisfied that the development is unlikely by way or direct, indirect or secondary impacts, individually or in combination with other plans or projects to have any significant effect on any European Site.
- 8.8. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.9. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

It is recommended that permission be granted subject to conditions.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the town centre zoning objective of the subject site, its location within the existing urban area and to the nature and scale of the proposed development and the prevailing pattern and character of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or



visual amenities of the area or of property in the vicinity, would not negatively impact on the built heritage of Ardee and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23<sup>rd</sup> March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows: -
  - a. The incidental areas of open space adjoining Blocks B, C and D shall be incorporated into the private open space areas of the ground floor units and appropriately enclosed or gated, unless otherwise agreed with the planning authority.
  - b. The window on the northern elevation of unit 32 (Block C) shall be high level only or fitted with appropriate screening such as louvres.
  - c. The ground floor level window on the northern elevation of duplex unit 40 (Block D) be relocated to the western elevation of the unit.
  - d. The first floor level window on the northern elevation of duple unit 40 (Block D) shall be high level only or fitted with appropriate screening such as louvres.
  - e. The side elevations of all balconies shall be appropriately screened.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity and to secure the integrity of the proposed development

3. The historic stone walls at the sites eastern and western boundaries shall be permanently retained and repaired as required. Prior to commencement of development the applicant shall submit to the planning authority a photographic survey and condition report assessing the structural stability of the historic stone walls within the site and indicate how these features would be protected during the construction phase.

**Reason:** In the interest of built heritage and safety.

4. The proposed smooth render finish at first and second level shall be omitted and a schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access.  
  
(b) Prior to the occupation of any residential unit, the developer shall ensure that the public open space, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

**Reason:** In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

6. Prior to commencement of development the applicant shall agree in writing with the planning authority the final details of furniture and equipment including seating areas, play spaces and bicycle parking to be provided within the areas of public and communal open space.

**Reason:** In the interest of residential amenity and to ensure an appropriate high standard of development.

7. Proposals for a naming / 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 development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, 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 house.

**Reason:** In the interests of amenity and public safety.

10. The scheme shall be landscaped in accordance with the landscape scheme submitted unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

11. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

12. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have 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.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interests of amenity and of pedestrian and traffic safety.

14. 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 -

- 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) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- d) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerals, antennas or equipment, unless agreed in writing with the planning authority.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

16. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

17. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health.

18. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

20. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of public safety and residential amenity.

21. 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 commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. Prior to the commencement of the development of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such

residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. 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.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

25. 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.

**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.

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.

---

Elaine Power

Senior Planning Inspector

24<sup>th</sup> June 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |   |                                     |   |
|---|---|---|-------------------------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | <b>317116-23</b>  |   |                                     |   |
| <b>Proposed Development<br/>Summary</b>   | Demolition of 3 no residential units incorporating 2 no. ground floor retail units and an outbuilding and the construction of 45 no. residential units and a retail unit. |   |                                     |   |
| <b>Development Address</b>  | Market Street and Market House Lane, Ardee, Co. Louth   |   |                                     |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>  |                                     |   |
|   |   | <b>No</b>   | No further action required          |   |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |   |   |                                     |   |
| Yes   |   |   | EIA Mandatory EIAR required         |   |
| <b>No</b>   |   |   | Proceed to Q.3                      |   |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |   |                                     |   |
|   |   | <b>Threshold</b>  | <b>Comment<br/>(if relevant)</b>    | <b>Conclusion</b>                           |
| No  |   | N/A   |                                     | No EIAR or Preliminary Examination required |
| <b>Yes</b>  |   | 10 (b)(i): Construction of more than 500 dwelling units | The proposed scheme falls below the | Proceed to Q.4                              |

|  |  |   |                        |  |
|--|--|---|------------------------|--|
|  |  | <p>10 (b)(iv): Urban Development which would involve 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.</p> <p>15: 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.</p> | applicable thresholds. |  |
|--|--|---|------------------------|--|

| 4. Has Schedule 7A information been submitted? |  |   |
|--|--|---|
| <b>No</b>                                      |  | <b>Preliminary Examination required</b> |
| <b>Yes</b>                                     |  | <b>Screening Determination required</b> |

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

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

## Appendix 2

### EIA Preliminary Examination

|  |   |                             |    |
|--|---|-----------------------------|----|
| <b>An Bord Pleanála Case Reference</b>   | <b>317116-23</b>  |                             |    |
| <b>Development Summary</b>   | Demolition of 3 no residential units incorporating 2 no. ground floor retail units and an outbuilding and the construction of 45 no. residential units and a retail unit. |                             |    |
| <b>Examination</b>   |   |                             |    |
|  |   | <b>Yes / No / Uncertain</b> |    |
| 1. Is the size or nature of the proposed development exceptional in the context of the existing environment?   |   | No                          |    |
| 2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?   |   | No                          |    |
| 3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?                               |   | No                          |    |
| 4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?   |   | No                          |    |
| <b>Comment (if relevant)</b>   |   |                             |    |
| <b>Conclusion</b>  |   |                             |    |
| <b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b> |   |                             |    |
| There is no real likelihood of significant effects on the environment  | EIAR not required   | X                           |    |
| There is significant and realistic doubt in regard to the likelihood of significant effects on the environment   | Screening Determination required  | No                          |    |
|  | Sch 7A information submitted?   | Yes                         | No |
| There is a real likelihood of significant effects on the environment   | EIAR is required (Issue notification)   |                             |    |

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

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

(only where EIAR/ Schedule 7A information is being sought)

\* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

\*\* Having regard to likely direct, indirect and cumulative effects.