



An
Bord
Pleanála

Inspector's Report

ABP-317249-23

Development	Construction of 19 housing units and site development works.
Location	Dowdallshill, Newry Road, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360041
Applicant(s)	Kieran Projects Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Residents of Byrne's Lane, Newry Road and Arran Court
Observer(s)	None
Date of Site Inspection	10/01/24.
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1 The site (0.63ha) which is in greenfield lies along the eastern side of the Newry Road (R215) in the townland of Dowdallshill, 1.6km approx. north of the Dundalk/Castletown River Bridge and 600m approx. west of Dundalk Stadium, Co. Louth.
- 1.2 It is bound by the Newry Road (R215) (west), Arran Court which comprises a cul-de-sac of detached single storey dwellings (north), agricultural lands (east) and Byrnes Lane which is a cul-de-sac comprising detached residential development of varying design forms (south).
- 1.3 The site's frontage onto the Newry Road is aligned with a public footpath, street lighting and on-road cycle lanes and is within a 60kph speed limit zone. There is full pedestrian connectivity into the centre of Dundalk. A bus stop serving Dundalk-Newry route is located within the immediate vicinity of the site.
- 1.4 The site's topography slopes gently upwards in a southerly direction and its outer boundary treatment consists of mature hedging.
- 1.5 The immediate area is typified by predominantly residential development, agricultural lands and some local services provision including a local newsagents and sports facility within 100m approx. south of the site.
- 1.6 There are no designations in terms of ecology and landscape character attached to this site.

2.0 Proposed Development

- 2.1. Construct a 19(no) housing development & all site development works consisting of:
 - Block-1 7(no) 2-st [2 x 3-bed & 5 x 2-bed],
 - Block-2 5(no) 2-st [2 x 3-bed & 3 x 2-bed],
 - Block-3 2(no)2-st [1 x 3-bed & 1 x 2-bed],
 - Block-4 2(no) 2-st [1 x 3-bed & 1 x 2-bed],
 - Block-5 3(no) 2-st [3 x 3-bed].

2.2. The application was accompanied by the following documentation of note –

- Planning Report
- Urban Design Statement
- CEMP & Preliminary C&D Waste Management Plan
- Landscaping Masterplan & associated documentation
- Engineering Report
- AA Screening Report
- Part V Details.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 5 May 2023, Louth County Council (LCC) issued a Notification of decision to grant planning permission subject to 17(no) conditions.

The following conditions are of note:

- Section 47 Agreement (First Occupation) (Condition 2)
- Provide lockable gate on rear access between Blocks 1&2 (Condition 6)
- Constituted Owners' Management Company Agreement (Condition 10)
- Public footpath works adjoining site (Newry Road) (Condition 14(a) / Construction Management Plan (Condition 14(g))
- Development Contributions (Condition 16)
- Security Bond (Condition 17).

3.2. Planning Authority Reports

3.2.1. Planning Report

A planning report dated 03/05/2023 forms the basis for the decision by the Planning Authority to grant permission. In making this recommendation, the Planner's Report refers to the site's zoning, the appropriateness of the site layout, design & form and outlines that there would be no adverse impacts on residential amenities of adjoining properties given separation distances. In considering the content of a report from the Infrastructure Section LCC, the planner recommends that a condition be attached in regard to footpath provision along the site's frontage (Newry Road).

3.2.2. Other Technical Report(s)

Placemaking & Physical Development Directorate (18/04/24) - No objection, subject to conditions.

3.2.3. Prescribed Bodies

None received.

3.3. Third Party Observations

The PA received 15(no) submissions during the course of their determination. All submissions were made from concerned residents located in the immediate vicinity of the site and each of the submitters outlined their opposition to the proposed development.

The matters of concern raised within the submissions received were premised on; - design (density & layout); visual impacts (obtrusive development/will obstruct existing views enjoyed by established residents); residential impacts (overlooking, overshadowing, overbearance); traffic safety, inadequate car parking and services provision (wastewater infrastructure, water pressure, broadband and storm/surface water runoff).

4.0 Planning History

Subject Land: None

Adjacent Lands: 15/576 - Outline Permission to demolish dwelling and construct sheltered housing comprising 6 units in a two-storey block and 8 semi-detached units was refused on the grounds of zoning, no functional connection and demolition of dwelling being contrary to adopted policy - [Lands located west of this site].

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

5.1.1 The Louth County Development Plan 2021-2027 (CDP) is the operative Development Plan for the county.

5.1.2 The site is located in an area zoned 'New Residential Phase 1', with the landuse zoning objective A2 - 'to provide for new residential neighbourhoods and supporting community facilities'.

'Residential' is listed as a 'Generally Permitted use' under the landuse zoning attached to this site.

Guidance set out within the plan states that this landuse zoning is the primary location for new residential neighbourhoods, and that any development shall have a high-quality design and layout, an appropriate mix of housing & associated sustainable transport links and that density reflects its location (Section 13.21.6).

5.1.3 The following Chapters are relevant in the consideration of this appeal: Chapter 2 (Core Strategy); Chapter 3 (Housing); Chapter 7 (Movement), Chapter 8 (Natural Heritage, Biodiversity and Green Infrastructure and Chapter 13 (Development Management Guidelines).

5.1.4 Policy objectives and Sections of particular relevance include:

Core Strategy/Settlement Strategy/Compact Growth

CS1: To secure the implementation of the Core Strategy and the Settlement Strategy in so far as practicable, by directing sustainable growth towards the designated settlements, subject to the availability of infrastructure and services.

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

CS4: To apply phasing to the delivery of new residential development as indicated on the zoning maps for the applicable settlements, whereby residential development, other than infill, brownfield or mixed use development will generally only be permitted on Phase 1 lands....

SS25: Manage the growth of Dundalk in a manner that will achieve the creation of a compact settlement with attractive and inclusive neighbourhoods where there is a choice of affordable homes for all.

HOU10: Support the creation of sustainable communities...

HOU15: Promote development that facilitates a higher, sustainable density with supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment.

HOU18: Develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas...

Active Travel

HOU 22: (Prioritise and facilitate walking, cycling, and public transport).

Design and Layout

HOU19: (Enhance and develop the urban fabric in accordance with good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns....).

HOU 24: (Public open space - functional, centrally located & passively overlooked).

HOU25: All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan.

HOU26: To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

HOU 28: (Positively contribute to the built environment & local streetscape).

HOU 30: (Daylight, natural ventilation, energy efficiency & conservation measures).

HOU 32: (Encourage and promote the development of underutilised infill...sites, subject to the protection of the character of the area and the environment.

IU 21: (Surface water Drainage).

5.1.5 Development Management Standards

The DM standards of particular relevance include Boundary Treatment (13.8.11); Infill Development (13.8.32) and Electric Charging Points (13.16.9).

5.2. Regional Spatial and Economic Strategy for Eastern & Midland Region (RSES)

The RSES supports targeted and significant population growth for Dundalk, a designated Regional Growth Centre. Its vision is that Dundalk reaches a targeted population in the region of 50,000 up to 2031.

Regional Policy Objective 6.3: [Dublin - Belfast Economic Corridor] Support the effective planning and development of large centres of population and employment along the main economic corridor, in particular Drogheda and Dundalk.

5.3. Project Ireland 2040 – National Planning Framework (NPF)

The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites (NPO 3a). It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities....

NPO 33: Seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35: Increase residential density in settlements, through a range of measures including...infill development schemes....

5.4. Climate Action Plan 2023 (CAP 2023)

Plan implements carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve emissions by 2030 and reach net zero no later than 2050.

The Annex of Actions to CAP23 includes an action to prepare sustainable settlement guidelines and to review planning guidelines to ensure a graduated approach in relation to the provision of car parking.

5.5. National Planning Guidelines

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

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (2013, updated 2019).

5.6. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024)

The strategy for Regional Growth Centres is to support consolidation within and close to the existing built-up footprint. This site is within a 'Regional Growth Centre - Suburban/Urban Extension' as defined within Table 3.4 of these Guidelines, with residential densities in the range 35 dph to 50 dph (net) to be generally applied.

SPPR 1 - Separation Distances

...Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces... In all cases, the

obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 2 - Minimum Private Open Space

Minimum Standards applied: 2-bed house (30m²); 3-bed house (40m²).

SPPR 3 - Car Parking

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where justified is 2(no.) spaces per dwelling. Applicants are required to provide a rationale and justification for parking proposal and satisfy the PA that such provision is necessary and appropriate.... The maximum car parking standards include visitor parking.

Policy and Objective 4.1 [DMURS]

That PA's implement the principles, approaches and standards set out in DMURS (including updates) in carrying out their functions under the PDA (as amended) and as part of an integrated approach to quality urban design and placemaking.

Policy and Objective 5.1 [Public Open Space]

The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances.

5.7. Natural Heritage Designations

The site is not located within any designated Natura 2000 site, with Dundalk Bay SPA (004026) being the nearest, located circa 1.4 kilometres south and Dundalk Bay SAC (000455) and SPA (004026) [noted also designated pNHA (000455)], located circa 1.4 kilometres east of the site. Carlingford Mountain SAC (000453) & pNHA (000453) is c.4.9km NE and Trumpet Hill pNHA (001468) is c.3.9km east of the site.

5.8. EIA Screening

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

6.0 The Appeal (Third Party)

6.1. Grounds of Appeal

A Third-Party Appeal has been received from Residents of Byrnes Lane, Newry Road and Arran Court in relation to the PA's decision to grant permission. The appellant does not accept the PA's determination and contends that concerns expressed were not given due consideration at application stage.

- **Principle of Development**

The PA's assessment and the appropriateness of the proposed development in the context of policy objective CS2 (delivery of compact growth) and the development of a peripheral greenfield site over other sites, closer to the Town Centre is queried. The proposal materially contravenes the principal objective of the site's residential zoning and Section 13.21.5 of the CDP which provides guidance on infill development being considered where it is appropriate to the character and pattern of development in the area and does not significantly affect the amenities of surrounding properties. However, the appellant contends that the proposal comprises an unimaginative layout, incongruous density and poor integration with its surrounding neighbourhood. The development is contrary to the Sustainable Residential Development in Urban Areas Guidelines (2009).

- **Residential Amenity**

There are multiple impacts on established residential amenities in its surroundings including; -

- Overlooking/Loss of Privacy with a number of affected properties highlighted on adjoining sites; existing hedging will not obscure unfettered views and the 22-metre separation distance metric should not be the only metric used to assess overlooking and privacy.
- Overshadowing and loss of direct sunlight to adjoining dwellings. No shadow projection diagrams provided; specific reference made to loss of light to dwellings in Byrnes Lane (morning) and Arran Court (mid-morning to dusk), an established dwelling N (adjoining Block 1 &2) and the achievement of adequate levels of natural light within this scheme is queried.
- Overbearance (physical and visual) on adjoining dwellings due to proximity, scale, massing and higher ground level of subject site.
- Noise and general disturbance.
- Design and layout.

Concerns on proposed design given the following;- design & layout is unimaginative, inappropriate density, orientation (Blocks 1&2) is at odds with the orientation of adjoining development, homogenous housing mix and constraints in providing extensions, incorporation of universal design, shortfall in quantum of public open space & potential for further reduction so as to accommodate footpath works, insufficient passive surveillance and lighting. Additional concerns on impacts to residential amenities and the visual amenities of the area given the site's topography relative to adjacent lands.

- Visual Impact/Detracts from Character of the Area

Proposal on a visually exposed and elevated site will detract from streetscape (Newry Road) and is detrimental to the character and amenities of the surrounding suburban rural area. Proposed terraced streetscape (7units) is more suited to sites closer/within the town.

- Inadequate Car Parking, EV Charging

Insufficient quantity and siting concerns, some parking is not overlooked and the need to incorporate SuDs measures is stated. There are limited services (including bus services which are not frequent) in this area and therefore greater demand for travel by private car. The shortfall in parking will result in congestion on internal road and

footpaths and parking outside of this site (along Newry Road/Arran Court/Byrnes Lane). The use of domestic EV charging points and cables given the disassociated nature of the spaces to the proposed dwellings is queried.

- Ecology

Ecological concerns (& visual concerns) outlined on the loss of hedgerow (47 metres) along site's frontage. No ecological survey submitted.

- Procedural

Site layout plan is inaccurate and misleading with regard to details on adjacent lands.

- Devalues Property

Given impacts on physical setting, surroundings & existing amenities.

6.2. **Applicant Response**

- Invalid Appeal

Section 127(1) PDA requirement to provide a single appellant address.

- Principle of Development

The proposal is consistent with the core strategy, the site's zoning objective (Phase 1 – Residential, earmarked for development within the current CDP period), CDP policy objectives on compact growth/regional growth centre, local & national guidelines on density for outer suburban locations and regional & national policy (compact urban development, urban infill sites/built-up footprints of settlements, providing alternatives to the car). Reference made to an error within appellants extracted zoning map and it is stated that policy objective CS2 was correctly interpreted by the PA.

- Character of Area

This is an infill site in an area with a distinctly urban character, surrounded by residential use. A change in view from established neighbouring dwellings is inevitable, given the site's zoning.

- Design & Layout

- Site layout map was informed by the site's context, is consistent with Article 23 of the Regulations and an accompanying Urban Design Statement provides design rationale.

- Justification on layout (connectivity, accessibility & active street frontage) provided, marrying density with adjoining densities is not a policy requirement and no stated housing mix requirement is provided within the CDP.

- Dwellings can be extended and are consistent with national demographics/trends in household sizes, with a shortfall in these unit types.

- Public open space areas have passive surveillance and the stated area provided excludes incidental open space areas.

- Overlooking

- There will be no impacts due to separation distances [at least 22 metres] between directly opposing first floor windows, upper floor rooms are in bedroom use, orientation of dwellings and screening provided by hedging boundary.

- Overbearance, Overshadowing, Sunlight/Daylight

- There will be no impact(s) on residential amenity by reason of overbearing, overshadowing or loss of sunlight due to the site's orientation, overall layout, height of dwellings and their geographical location.

- Sunlight and Daylight Analysis is not required for 2-storey dwellings. Blocks 1, 2 and 5 are dual aspect. Separation distances and orientation of dwellings within the scheme are also referenced in relation to clarifying sunlight/daylight provision.

- Parking.

- The site is within Car Parking area 1 and therefore requires 1 space per unit.

- EV charging points (20%) and ducting for all spaces meets CDP requirement.

- Additional parking, above CDP requirement can be provided, if deemed appropriate.

- Boundary Treatment/Loss of Hedgerow

- Natural boundaries to be retained & reinforced, except along roadside (R215).

- Hedging to be removed appears to be self-seeded, is not near an NHA, does not connect with a wider connected hedgerow, is not of value/protected in CDP and its removal is required for sightlines and public footpath provision.

- Devalue Properties

There is no evidence provided on devaluing property. The proposal may increase property values (sense of security/utilising land may prevent possible antisocial behaviour) in the area.

6.3. Planning Authority Response

A response has been received from the PA dated 27/06/2023. It outlines that all issues raised by the appellant in the appeal statement were already considered in detail by the PA in the planner's report and confirms its decision to grant permission.

6.4. Observations

None received.

6.5. Further Responses (Third Party)

A further response was received from the third-party appellant - residents of Byrnes Lane, Newry Road and Arran Court (dated 22/07/23) in regard to the first party (applicant) response statement to An Bord Pleanála. The matters raised are largely a restatement of the grounds of appeal.

- Procedural
 - The appellant's names and addresses are clearly noted and the appeal remains valid.
 - Applicant's response is deliberately inaccurate and misleading in places, including; limited details shown on site layout map, stated distance between the site and Dundalk town; identifying (specific, affected) houses; frequency of bus service, housing mix policy/requirements, fails to comply with Sustainable Residential Development in Urban Areas Guidelines (2009) in regard to design approach/character of the area and national guidelines on apartments do not apply to this case.
 - Site layout plan details are limited and misleading.
- Character of Area
 - Description provided of the area surrounding the site (north of Dowdallshill cemetery) was made to distinguish its unique character from that closer to the town centre.
 - The site is not disused/abandoned and was never a focus for any anti-social behaviour.

- Residential Amenities

- Proposal will impact on residential amenities of adjoining properties, is contrary to the site's zoning objective and no regard was afforded to Section 13.8.32, 13.21.6 & 13.8.9.1 of the CDP which require that development (and density) reflects its location and the character of the surrounding neighbourhood and Section 13.8.9.1, in regard to amenities of existing residents.

- Overlooking concerns apply to all surrounding dwellings on a number of grounds including; - separation distances will not mitigate negative impacts, site's topography relative to adjacent residential development, insufficient hedgerow along lateral boundaries , loss of overlooking of private amenity spaces. Overlooking concerns associated with Block 1 given its eaves/ridge height above neighbouring dwelling in Arran Court and the potential for overlooking of a dwelling on Newry Road by up to 13(no) dwellings.

- Overshadowing and Sunlight & Daylight: No differentiation provided on the issue of overshadowing and the requirement for Daylight and Sunlight Analysis. Overshadowing and the provision of daylight and sunlight are two separate matters, which are not sufficiently addressed. A presumption cannot be made on sufficient sunlight and daylight provision for future dwellings in accordance with BRE guidelines and the reluctance to provide Shadow Projection Diagrams or a Daylight and Sunlight Analysis reinforces the appellants concerns in both respects.

- Site Layout & Design

- Inappropriate design, layout and density (more urban/inner urban development) which fails to integrate with the architectural vernacular and character of its surroundings, shortfall in quantum and insufficient passive surveillance of public open space(s), inappropriate housing mix, deficiencies in car parking in terms of quantity (Area 3/All other areas) siting (distance from dwellings, some spaces are not overlooked, siting of disabled space) and EV charging and ducting does not comply with local policy requirements. A stated deficiency of 13 (no) spaces will lead to congestion on internal roads and parking on footpaths, contrary to policy objective HOU25.

- Hedgerow Removal

- Hedgerow removal (47m approx.) is unjustified as there is an existing full footpath in place. Concerns on its removal in terms of visual impacts and that it will exacerbate the continued fragmentation & ecological devaluation of remaining hedgerows and impact on biodiversity and the wider ecological network.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to this third party appeal, the report of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the principle of the development proposed is broadly acceptable and will consolidate and provide for compact growth within this urban neighbourhood, subject to compliance with all other planning considerations. I consider that the substantive issues in this third-party appeal to be considered are as follows:

- *Zoning*
- *Design & Layout*
- *Residential Amenity*
- *Character of Area & Ecology*
- *Material Contravention*
- *Other Matters.*

7.2. Zoning

The site's landuse zoning is 'A2' – 'New Residential Phase 1', with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities'. Given that it is a local policy objective to apply phasing in regard to new residential development (CS4) and in further acknowledging that this is an infill site, I am satisfied that the proposed residential development on phase 1 residential zoned lands is consistent in principle with the zoning objective attached to the site. Furthermore, the

zoning of land is informed by the Core Strategy and in this regard, I am satisfied that the proposal to develop this infill site is consistent with the County's population projections, settlement hierarchy and the phasing of development lands in Dundalk over the plan period. I therefore consider that this site which is targeted for growth does not indicate the preferential development of a peripheral greenfield site over lands which are closer to the town centre, as queried by the appellant, but rather that the proposal is consistent with local policy objective CS2 which seeks to achieve compact growth through the delivery of at least 30% of all new homes within the existing built-up footprint of settlements.

7.3. Design & Layout

The site layout proposed for this rectangular shaped infill site is comprised of a housing mix of 15(no) two-storey terraced dwellings and 4(no) two-storey semi-detached dwellings ranging between 88.80m² – 113.9m² in floor area within 5(no) blocks and accessed via a single vehicular access point off the R215 Newry Road, located at the site's northern corner. I note that an accompanying Urban Design Statement, prepared by appointed engineers provides a rationale for the overall design and layout proposed in the context of the Urban Design Manual (2009). The Design Manual and associated guidelines (2009) have since been replaced with the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) which are now relevant in this assessment.

7.3.1 Density & Pattern of Development

In regard to matters raised by the appellant on density, it is the policy objective of the PA to promote higher, sustainable density that supports compact growth and the consolidation of urban areas, that is appropriate to the local context, and which enhances the local environment (HOU 15). I note that the function and form of the site's immediate area, notably Newry Road, Arran Court, and Byrnes Lane, is low-density residential, in linear form. I do not consider that the development of the subject site must adhere to the type of development on adjoining sites, however it must comply with normal planning standards. In this context, it is my view that the site layout proposed which provides a tight urban grain along the site's frontage onto the Newry Road and a mix of terraced and semi-detached units with associated private open

space areas that exceed minimum standards set out within SPPR2 of the Compact Guidelines and public open space with passive surveillance is appropriate in principle on these zoned and serviced lands, subject to the design and layout not having significant impacts on the residential amenities of adjacent properties.

Furthermore, the site, in my opinion, is located within a suburban location of Dundalk and accordingly, in applying the Compact Guidelines (2024) I note that a density in the range of 35 dph to 50 dph (net) is to be generally applied. However, given the location and configuration of this long, linear infill site and the pattern of development immediately adjoining, I am satisfied that the density proposed of approximately 30 units per ha, which is substantially higher than the prevailing density in its immediate area, but below the density to be generally applied as set out within national guidelines, is appropriate in this instance and is consistent with adopted policy on compact growth.

7.3.2 Public Open Space

I note concerns expressed by the appellant in regard to the quantum and extent of passive surveillance on public open space areas proposed within this development. However, in examining the proposal, I consider that the quantum proposed being 13.6% (856m²) public open space is consistent with Policy and Objective 5.1 of the Compact Guidelines (2024), being not less than a minimum of 10% of net site area and not more than 15% net site area. I am further satisfied that the design and layout proposed and as detailed within submitted Landscape Masterplan provides sufficient passive surveillance to the proposed open space areas and will accommodate the functional needs of future occupiers in terms of passive recreation, casual play areas and visual amenity for its residents.

7.3.3 Roads, Footpath and Car Parking

The proposed access road along the extent of the site's northern boundary and associated perpendicular car parking layout is informed by the site's context and relationship with adjoining residential development. A 5-metre-wide bitmac roadway/street, flanked with 2-metre-wide footpath, 19(no) communal, brick surfaced perpendicular car spaces with a depth of 6 metres and brick surfacing and

trees/landscaping along its southern side are proposed. I note that the Landscape Masterplan which accompanies the application indicates the proposed inclusion of 14(no) trees along the northern roadside boundary which adjoins boundary with the rear gardens of Arran Lane and 4(no) trees to provide relief within proposed perpendicular parking spaces, south of roadway. I am satisfied that the proposed layout including perpendicular car parking dimensions and corner radii are consistent with DMURS and that subject to the successful implementation of street planting, as proposed, that the proposal will integrate successfully into the subject lands and its surroundings.

I note that the PA attached conditions to their decision to grant permission regarding footpath provision along the site's frontage onto the Regional Road and that a lockable gate be provided to rear access path between Blocks 1 and 2, with access to residents of those blocks only. Given the extent of footpath currently in-situ, I am satisfied that these works will not negatively impact on the proposed layout and in particular, will not negatively impact on open space provision. I consider that the inclusion of a lockable gate to rear access path between Blocks 1 & 2 will increase security to its adjoining rear gardens. I therefore concur with the PA in regard to these matters and consider that similar such conditions should be applied in the event that the Board is minded to grant permission.

In regard to the quantum of car parking proposed, I submit that the recently adopted Compact guidelines (2024) now apply. In this context, SPPR 3 states that a maximum of 2 car spaces per dwelling is permissible on this site, where justified. I note concerns expressed by the appellant regarding the potential for the development to result in parking within adjacent developments and on adjoining roadsides and footpaths. In examining this matter, I further note that in-curtilage car parking is in place for adjoining established residential development and that there is no on-street car parking/controlled parking regime in the form of pay and display on adjoining cul-de-sac estates. In my opinion, whilst the inclusion of some additional parking would be reasonable and permissible, as part of the proposed development, I am of the view that the inclusion of any additional parking would dominate public areas within the scheme due to site constraints in terms of the subject lands shape and layout. Furthermore, I note that DMURS references that perpendicular spaces should generally be limited to 6(no) per bay so as to reduce the visual impact of parking,

(Section 4.4.9). In this context, I consider that the inclusion of an additional 5(no) car spaces within the linear stretch of perpendicular parking shown by the applicant on submitted site layout plan as 'possible additional parking' spaces would dominate the approach road and restrict the implementation of appropriate street trees planting/landscaping as shown on landscape masterplan which accompanies this application. In light of this and given the site's context, the extent of on-road cycle lane provision and pedestrian connectivity between this site and the centre of Dundalk, proximity to bus stop (serving Newry-Dundalk) and adopted policy at local, regional and national level in regard to promoting a modal shift and prioritising more sustainable transport modes, I consider that the provision of 19(no) communal car spaces on this infill site is appropriate and in accordance with current standards on parking as set out within the Compact Guidelines (2024). I further consider that all parking spaces are sufficiently overlooked and that the provision of EV charging facilities and ducting can be satisfactorily addressed by way of condition should the Board be minded to grant permission, noting also that this required infrastructure will be communal infrastructure.

In regard to potential future connectivity with zoned lands to east, it is my opinion that the proposal may result with a narrow ransom strip at the eastern end of the proposed access road, given a narrow space at the boundary is proposed to be laid in grass, as shown on site layout map and landscaping plan. In light of this, should the Board be minded to grant permission, I suggest that a condition be attached to the permission granted which ensures that a ransom strip is not created at the NE end of proposed access road, such that roadway connectivity can be provided to adjoining lands to the east of this site, should their development be so desirable and/or permissible in the future [new issue].

7.3.4 Housing Mix and Finishes

I note the appellants concerns regarding both the housing mix proposed and the potential for future adaptability/extension of houses, if required in the future. I submit that whilst the provision of an appropriate mix of housing is outlined within guidance on zoning objective and local policy objective HOU26 of the development plan and therefore required, there are no explicit requirements in regard to the mix of house

types and sizes to be provided within a scheme of this size. I note that the required provision of single storey dwellings within a residential scheme pertains to larger housing developments (100 units or more) (policy objective HOU27) and that the inclusion of universally designed units pertains to developments of 20 residential units or more (policy objective HOU29).

I am satisfied that given the nature, scale and location of the development proposed, that 10(no) 2-bed and 9(no) 3-bed two-storey units provides an appropriate mix of housing on this infill site, and I concur with the applicant, that these units can be adapted and extended to meet the needs of future occupiers, if required in the future. I consider that any outstanding matters to be agreed with regard to external finishes, noting that the applicant proposes selected brick with coloured render, uPVC windows (colour tba) and solar panels on rear, can be satisfactorily addressed by condition.

7.4. Residential Amenity

The grounds of appeal refer to multiple impacts arising from the proposal on surrounding residential amenity.

7.4.1 Overlooking/Loss of Privacy

I note the concerns expressed regarding the overlooking of both private amenity spaces and rear facing habitable rooms on established residences in Arran Court from proposed unit numbers 7, 8, 13,14,15,16 and 17 and similarly on residences in Byrnes Lane from proposed unit numbers 6 to 13, 18 and 19 and impacts on an adjoining dwelling sited along the Newry Road from proposed unit numbers 1,2,11 and 12. I have examined each of the proposed units highlighted by the appellant and I am satisfied that the proposed development will not give rise to significant overlooking or loss of privacy of adjoining residences within Arran Court, Byrnes Lane or on adjoining property along the Newry Road due to the siting, orientation and design proposed as follows:

There are no directly opposing first floor windows and a separation distance of 17.69m exists between proposed house 7 and the nearest dwelling in Arran Court. Proposed house numbers 8 and 13-17 have a separation distance in excess of 24 metres from

adjacent dwellings (north) in Arran Court. With regard to proposed house numbers 6 & 7, I note that the siting of these dwellings are at a remove from established dwellings along Byrnes Lane and I consider that the siting and orientation of the terrace of house numbers 8-12 and associated angle of opposition is such that these houses will not result in a degree of overlooking that will present an undue loss of amenity to any adjoining dwelling(s) along Byrnes Lane. I note that proposed house 13 has a separation distance in excess of 24 metres to adjoining dwelling to south along Byrnes Lane and the siting, orientation and angle of opposition associated with proposed houses 18 & 19 is such that overlooking of adjoining residences will not arise in a manner that will present an undue loss of amenity.

I can appreciate the perception of overlooking arising from house numbers 1, 2, 11 and 12 onto an adjacent dwelling to the south, along Newry Road, given the proximity of these proposed dwellings to the party boundary and in particular, the proximity of house numbers 1&12, within 2 metres approx. of the boundary. However, having examined the submitted site layout map and elevation plans and particulars, it is my view given the siting, orientation and house designs proposed, with no directly opposing windows, that the angle of opposition will not result in significant overlooking of this adjoining dwelling.

7.4.2 Overbearance

The appellant raised concerns with regard to overbearance (physical and visual) of adjoining dwellings due to proximity, scale, massing and higher ground level of subject site. The proposed development comprises 2-storey dwellings with an overall height of 8.89m and massing which reflects its residential form. In examining the topographical survey that accompanies this application, I note that the site gently slopes downwards in a northerly direction with a ground level difference not exceeding 3 metres across this site. It is my view that the variance in ground levels is not so significant, that it would not give rise to negative impacts on residential amenities of adjoining properties or on the visual amenities of the area. I have examined the siting of each of the proposed houses and their proximity to adjoining dwellings. I consider that whilst proposed house numbers 1 & 12 are located within approximately 2.5 metres of adjoining boundary with a neighbouring residence on Newry Road (south), their siting and orientation is such that it will not give rise to overbearance and I note

that it is the rear gardens of these houses which directly adjoin the northern (side) elevation of this neighbouring dwelling. Furthermore, given the overall layout proposed and that there is a separation distance in excess of 17 metres between the proposed houses and established dwellings within Arran Court and owing to the siting and orientation of houses along the southern end of this site, with side gable of house 19, being the nearest to adjoining residence and a distance of 14.83 metres from the nearest adjoining dwelling house along Byrnes Lane, I consider that the layout is satisfactory and will not be unduly overbearing or adversely impact on the residential amenity of adjoining property. I am further satisfied that whilst the proposal will result in a change to the streetscape, this change will not overbear the character of the area or impact negatively on the residential amenities of adjoining property.

In regard to potential noise and disturbance, I consider that this matter is only of relevance at construction stage and that it can be appropriately addressed by way of condition, notably, the provision of an updated Construction Management Plan, should the Board be minded to grant permission.

7.4.3 Daylight/Sunlight

Whilst Section 13.8.10 of the CDP refers to the design of residential developments and ensuring that adequate levels of natural light can be achieved in new dwellings and that unacceptable impacts on light to nearby properties are avoided, I note that the CDP does not contain a specific policy or standard in relation to the undertaking of a detailed technical assessment on daylight performance. The recently adopted Compact Guidelines are implicit in stating that such an assessment is not required in all cases and that a level of discretion may apply in this regard. In this context, I have considered the content of the plans and particulars submitted in relation to the potential for poor daylight performance in the case of both the residential houses proposed and also in regard to potential impact(s) on neighbouring properties. I am of the view that there is good separation distance (i.e. generally greater than three times the height above the centre of the ground floor window of adjoining houses), in all cases with the closest established dwelling house on adjoining lands a distance in excess of 7 metres from nearest proposed dwelling with the proposed residential scheme. Therefore, given the siting, scale & massing of the proposed dwellings with good separation distances between the proposed two-storey residential houses and adjacent

residential development which comprises a mix of single and two-storey design forms at Arran Court, Byrnes Lane and along the Newry Road, I am satisfied that the need to undertake a detailed technical assessment in relation to daylight performance is not required in this instance. I concur with the applicant that the proposed development will provide acceptable levels of daylight provision and that undue impact will not arise given the topography, siting, overall height of dwellings, orientation and separation distances of the proposed houses within this scheme and adjoining development.

7.4.4 Overshadowing

I acknowledge and generally accept that in an urban context and in accordance with guidelines, it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected. In this regard, given the siting, scale (2-storey) and overall layout of the development proposed and to separation distance to adjoining established residential development, I am satisfied that perceived impacts (if any) due to overshadowing will remain at slight or imperceptible and that the adjoining residences will continue to receive adequate levels of sunlight.

7.5. Character of Area & Ecology

The appellant has concerns on the impact that the proposed residential development would have on the character of the Newry Road streetscape and overall area, given the proposed design on locally elevated lands. While the proposal in visual terms will have an impact on the streetscape and differs from the existing pattern of residential development in its immediate environs, the subject lands and streetscape are not protected in conservation terms and there are no protected views associated with this site. On a wider level the proposed development would fulfil and promote many of the objectives espoused in the National Planning Framework in developing infill sites within existing built-up areas where they can avail of the physical, social infrastructure and encourage more sustainable transportation patterns through walking, cycling and use of public transport. In this context, I consider that the proposed development will transform existing undeveloped lands and contribute to the overall streetscape over and above that which currently exists on site.

Furthermore, with respect to concerns expressed on loss of view(s) currently enjoyed by established residents, I consider that the site is located on lands which are zoned and serviced and in my view, the ability of the site to accommodate such a proposal is determined by the provision of residential development which meets the standards as outlined above and whether the proposal is acceptable in respect of residential amenity of adjoining properties which is also discussed above. Therefore, I consider that the proposed development which provides for the efficient use of land is acceptable and is in accordance with the character of the area, subject to ensuring standards such as the protection of residential amenity can be achieved.

Finally, in considering the appellants concerns with regard to removal of approximately 47 metres of hedgerow along the site's frontage, it is my view that its removal is justified so as to accommodate required sightlines and to facilitate the efficient use of this zoned and serviced site in an urban area. I note that the applicant proposes to retain and supplement existing native hedgerow along the site's lateral boundaries (northern and southern boundaries) and that a significant amount of street trees and planting will be incorporated into this residential scheme. I am therefore satisfied that the proposal will mitigate against any loss of local biodiversity and ecological devaluation which may arise and will positively contribute to the efficacy of the wider ecological network at this location.

7.6. Material Contravention

There are two matters raised in this appeal in respect of material contravention. Having considered the proposed development and the relevant provisions of the CDP, in my opinion the Board should not consider itself restrained by section 37(2), having regard to the analysis set out above.

Firstly, the Board will note that the appellant in their appeal states that the proposed development would materially contravene the principal objective of the site's residential zoning and Section 13.21.5 of the CDP due to the proposed design and layout which will poorly integrate with its surrounding neighbourhood.

Secondly, in examining the appellant's statement that the site's A2 landuse zoning objective also seeks to support the existing community and that the proposal therefore materially contravenes the site's zoning objective, I am of the view that the zoning

objective is clear and unambiguous, whereby it provides for new residential neighbourhoods and supporting community facilities, where appropriate. I submit that this interpretation is set out within guidance on the landuse zoning provided within the plan (section 13.21.6).

In my opinion, the matters raised in regard to design and integration with the surrounding neighbourhood do not fall under the zoning objective but rather, are assessed in regard to compliance with normal planning guidelines, standards and adopted policy objectives. I have concluded the above with regard to potential impacts on adjoining residential amenity.

7.7. Other Matters

I note that a procedural matter was raised with respect to the validity of site layout map submitted. I am satisfied that this matter did not prevent concerned parties from making representations and I consider that this matter falls outside of the Board's remit in deciding this application. This assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 AA Screening

The nearest European designated sites are Dundalk Bay SPA (004026) and Dundalk Bay SAC (000455) located circa 1.4 kilometres east of the site and Carlingford Mountain SAC (000453) c.4.9km NW. Taking into consideration the nature, extent and scope of the proposed development, located on serviced lands, separation distance to the nearest European site and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

It is recommended that permission be granted for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and the site's residential zoning under the Louth County Development Plan 2021-2027, and to adopted policy objectives on compact growth and the development of infill sites, it is considered that, subject to compliance with conditions below, the proposed houses would not seriously injure the character of the area or the residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15 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. a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

3. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

4. The perpendicular car parking layout hereby permitted shall be strictly in accordance with Drawing No.TK-DLK-102 received by the Planning Authority on the 15 March 2023.

Reason: In the interest of clarity, the protection of visual amenities and the proper planning and sustainable development of the area.

5. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points. Details on how the developer proposes to comply with these requirements, including details on design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the development thereafter shall be carried out in accordance with the approved details.

Reason: in the interest of sustainable transportation.

6. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The Rear Access Path located between Blocks 1 and 2 shall have a lockable gate allowing access to residents of those blocks only.

(c) All service cables associated with the proposed development (such as electrical, telecommunications and 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 the proper planning and sustainable development of the area.

7. (a) The site shall be landscaped in accordance with details submitted and implemented fully in the first planting season following the commencement of the development.

(b) The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. All trees and planting shall be adequately protected from damage until established. Any trees/plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting

season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

Reason: In the interest of public health.

9. The applicant or developer shall enter into water and/or wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

10. (a) The internal road network serving the proposed development, including footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) Visibility splays shall remain unobstructed.

(c) The finished surface of the internal road at its eastern most end shall meet up directly with the site boundary of this site without the provision of a grass verge or ransom strip to facilitate connectivity and permeability, should it be so desired and/or permissible in the future.

Reason: In the interests of pedestrian and traffic safety and the proper planning and sustainable development of the area.

11. Prior to commencement of development, the developer shall submit a full design proposal for a public footpath along the R215 for the written agreement of the planning authority. This footpath shall be fully insitu prior to the occupation of any residential

unit hereby permitted. All costs incurred (if any) insofar as the provision of this footpath extends along the site's frontage, shall be borne by the developer.

Reason: In the interests of traffic safety.

12. (a) The construction of the development shall be managed in accordance with an update Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a traffic management plan for all phases of the proposed development, hours of working, noise management measures and off-site disposal of construction/demolition waste.

(b) The developer, if so directed by the Planning Authority, shall monitor and record noise levels and the total dust emissions arising from all on site operation associated with the proposed development during construction. The number and locations of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of this condition shall be in accordance with the requirements of the Planning Authority for such monitoring of sound and dust deposition.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

15. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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.

16. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard amenities of residents of property in the vicinity.

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

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.

19. 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.

20. 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.

Paula Hanlon
Planning Inspector

22 May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317249-23		
Proposed Development Summary	Construction of 19 housing units and site development works		
Development Address	Dowdallshill, Newry Road, Dundalk, Co. Louth.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	X	Class 10 (Infrastructure Projects)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317249-23	
Proposed Development Summary	Construction of 19 housing units and site development works	
Development Address	Dowdallshill, Newry Road, Dundalk, Co. Louth.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is infill in nature and is located in a suburban area of Dundalk, a designated regional centre. The site is zoned with residential use permissible. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing</p>	<p>No. The site area is 0.63ha.</p> <p>There are no other developments under construction adjoining the site. All other developments are established uses.</p>	No

and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No. x	No
• Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.		

Inspector: _____

Date: _____

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

(only where Schedule 7A information or EIAR required)