



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317542-23

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Demolition of shopping centre building and construction of primary care centre, amenities and associated site works. |
| <b>Location</b>                     | Carroll Village Shopping Centre, The Long Walk, Dundalk, Co. Louth   |
| <b>Planning Authority</b>           | Louth County Council   |
| <b>Planning Authority Reg. Ref.</b> | 22921  |
| <b>Applicant(s)</b>                 | Aviva Life and Pensions Ireland DAC.   |
| <b>Type of Application</b>          | Planning Permission.   |
| <b>Planning Authority Decision</b>  | Grant Permission.  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Carroll Village Retail Management Services.  |
| <b>Observer(s)</b>                  | No Observers.  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> of January 2024.  |
| <b>Inspector</b>                    | Elaine Sullivan  |



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## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of c. 0.5 hectares and is located in Dundalk town centre. It forms part of the former Carroll Village Shopping Centre, which has been vacant for a number of years. The portion of the site to be developed forms the north-eastern corner of the site and comprises the northern section of the shopping centre building along with a service yard which extends to the northern site boundary. Directly adjoining the site to the south is the remainder of the shopping centre building, which would remain in situ for the time being. To the east the site bounds the public footpath along the western side of road known as The Laurels. On the opposite side of The Laurels is a three-storey apartment development which wraps around the street corner. The IMC Cinema is directly to the south of this development.
- 1.2. To the north, the site is bounded by two-storey houses with back gardens which face onto The Laurels and to the west is a large surface car park which serviced the former shopping centre. To the south the wider site is bounded by The Long Walk. There are two access points to the surface car park from The Long Walk. However, both are currently blocked off with barriers and large boulders.
- 1.3. Surrounding the site to the south and east are a mix of commercial uses. The Long Walk Shopping Centre and a large surface car park are located to the south and southeast of the site with the Dundalk Bus Station adjoining the Long Walk Shopping Centre to the south. Dundalk Train Station is approximately 1.5km to the southwest of the site.
- 1.4. The subject site is near Clanbrassil Street which meets The Laurels at its northern extent, and which is a lively town centre street.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the partial demolition of the existing shopping centre building and the construction of a 4-storey primary care centre, including
  - A General Practitioners Surgery
  - Pharmacy Unit and,

- HSE accommodation

Additional works include the provision of an external plant area with a footprint of c. 76 sqm, (11.1m x 6.9m) and a height of 2.8m, the relocation of existing site access, car parking for 17 cars and set-down area, erection of new access control barriers, new totem sign, new wall mounted signage, new elevational treatment to the north façade of the Carroll Village Shopping Centre, site lighting, hard and soft landscaping and all associated site works.

The application also states that the development can provide additional car parking for 147 cars in the existing car park which was used to service the former shopping centre.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Planning permission was granted by the PA subject to 23 planning conditions which were mainly standard in nature.

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

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

The decision of the Planning Authority (PA) was informed by two reports from the PO. The first report dated the 23<sup>rd</sup> of January 2023 recommended that further information was requested. The second report dated the 7<sup>th</sup> of June 2023 assessed the information and recommended a grant of permission.

The first report of the PO includes the following,

- The subject site is zoned objective D1 – Regeneration. The mixed healthcare, community and commercial development is listed as ‘Open for Consideration’ within this zoning objective and is therefore acceptable in principle. The D1 zoning does not identify any uses which are ‘Permitted Uses’.
- The PO considered that the height of the 4-storey building was appropriate for the site based on the surrounding pattern of development and on national

planning policy and Development Plan guidance. However, the appropriateness of the location of the plant building was queried.

- The report found that the permeability through the site would be good as, apart from the northern site boundary, all other boundaries will be open to public access.
- The PO was satisfied with the details submitted regarding signage, privacy and amenity. However, they recommend that the applicant should be requested to demonstrate compliance with the parking standards set out in Table 13.11 of the Louth County Development Plan (LCDP). Proof of legal entitlement to use the car park to the west of the site is also requested.
- Further information was requested on 6 points which related to the quantum of parking, legal interest in the adjoining car park, the location of the plant building, details of the access and egress arrangements, including the public realm.

The second report of the PO was satisfied that all issues had been adequately addressed and recommended that planning permission was granted subject to planning conditions.

### 3.2.2. Other Technical Reports

**Place Making & Physical Infrastructure Dept.** – The report of the 20<sup>th</sup> of January 2023 recommended that FI was sought regarding sight lines for the proposed access to The Laurels, details of arrangements and design to facilitate pedestrian movement, public realm details, legal interest to use the car park and accessible parking arrangements.

**Water Services** – The report of the PO states that a report was received and there was no objection. The hard copy report was not appended to the appeal file.

### 3.3. Prescribed Bodies

Uisce Éireann – No objection.

### **3.4. Third Party Observations**

One observation was received. This observation was from the third-party appellant and raised the same issues that form the grounds of appeal. The issues raised include the following,

- Lack of legal entitlement to use the existing car park.
- Lack of strategic vision (masterplan) for the overall site.
- Inadequate parking provision.
- Treatment of the remainder of the building.
- Proposed access arrangements.
- Inappropriate design.
- Negative impact on the development potential of the remainder of the site.
- Inadequate site notices.

A further observation was submitted following the applicant's response to FI. No new information was provided in this submission and third parties reiterated their view that the applicant does not have sufficient legal right to use the existing car park and appended their legal opinion.

## **4.0 Planning History**

- No recent planning history related to the site.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (LCDP), 2021-2027 (as varied).

### **5.1.2. Chapter 2 – Core Strategy and Settlement Strategy**

Dundalk is designated as a Regional Growth Centre. (Settlement Level 1), in the Settlement Hierarchy for County Louth, (Table 2.4, LCDP).

The Carrol Village site has been designated as a Regeneration Area within the Core Strategy and Settlement Strategy.

The subject site is zoned objective '*D1 – Regeneration*', which seeks '*To facilitate social, economic and physical regeneration and/or rejuvenation of an area or specific lands*'. Development Plan guidance on the D1 zoning states that '*The lands or areas are strategically located within settlements and consist of vacant or under-utilised buildings or land with significant potential to stimulate the rejuvenation of an area or neighbourhood*'. Permitted uses are not identified in this zoning. Instead, a range of uses are listed as '*Open for Consideration*'. Within the uses listed for consideration are Health Care Centre and Healthcare Practitioner.

The site is located within a Zone of Archaeological Potential.

**Section 2.14.3 – Regeneration Areas** – states that the site is strategically located on a corner site along the Long Walk and is suitable for a mixed-use development including commercial, retail and residential uses.

**Section 2.14.4 – Buildings of Increased Height** – as part of the Compact Growth Strategy the Council will actively support proposals to develop buildings of height on suitable lands, which would normally be centrally located and in proximity to public transport.

### **Policy Objectives –**

**SS 19** - To support the role of Dundalk as a Regional Growth Centre and a driver of growth along the Dublin-Belfast Economic Corridor and in the border area and to facilitate the continued expansion and growth of the town based on the principles of balanced, sustainable development that enables the creation of employment, supports economic investment, and creates an attractive living and working environment.

**SS 20** - To continue to support and promote the economic role of Dundalk as a regional centre of employment in the border area and to facilitate any infrastructural investment or employment generating development that will strengthen the role of the town and maintain its competitiveness.



**SS 24** - To promote and facilitate the development of key opportunity or regeneration sites within or proximate to the town centre.

**SS 26** - To support the implementation of the 2008 Urban Design Framework Plan for Dundalk.

**SS 27** - To support the progression and implementation of any projects in Dundalk funded by the Urban Regeneration and Development Fund including the Long Walk Quarter Project\*.

(\*Note to the Board – This project focuses investment in the Long Walk Area which includes the subject site. Funding would support street improvement and upgrade, creation of improved public spaces and public art. The regeneration of the Long Walk area is also listed the Pre-Draft Issues Paper for the preparation of the Dundalk Local Area Plan 2024-2030. The Draft Dundalk Local Area Plan 2024-2030 went on public display on the 17<sup>th</sup> of July 2024.

**SS 28** - To support the sustainable development of the regeneration sites identified on the land use zoning map for appropriate uses compatible with the surrounding neighbourhood.

#### 5.1.3. **Chapter 4 – Social & Community**

**4.12 – Healthcare Facilities** – The Council seeks to support the co-existence of healthcare facilities with community support services on suitably zoned lands, in accessible locations. Suitable lands will include town and village centres and/or lands proximate to new and existing residential areas.

##### **Policy Objectives –**

**SC 40** - To support the provision of healthcare facilities on suitable lands within the existing Level 1, 2, 3 and 4 Settlements and on sites convenient to pedestrian and public transport.

**SC 41** - To encourage where feasible, the integration of healthcare facilities with new and existing community facilities.

#### 5.1.4. **Chapter 13 – Development Management Standards**

**13.8.32 – Infill and Backland Development in Urban Areas** – When developing such lands it is important to maintain a balance between preserving existing

amenities and neighbourhood character and implementing a policy of compact development. The following shall be considered –

- Prevailing density and pattern of development
- The design of the proposed development
- Impact on existing development and residential amenity
- Private open space
- Carparking to be in accordance with Table 13.11.
- Location and orientation of windows and potential impact.

**Table 13.11 – Car Parking Standards** – the subject site is located in Area 2 for the purposes of car parking standards. Within Area 2, the parking standard for Clinics, surgeries and group medical practices is 2 spaces per consulting room.

Section 13.16.12 states that a reduction in the requirement for car parking may be acceptable where the PA is satisfied that –

- there is sufficient car parking available in the vicinity of the development to cater for any shortfall,
- the nature of the development is such that existing parking spaces could facilitate a dual use,
- public transport links would reduce the demand,
- the central location of the development would facilitate pedestrian or cycle movements, and,
- no off-street parking provided with the previous or existing use.

**Table 13.12 – Cycle Parking Standards** – under Table 13.12, the specific development type is not listed in the table. However, the ‘Hospital’ use listed could be comparable. This use was referenced by the applicant and would require 1 cycle space per staff member and 1 space per 20 beds.

**Dundalk Urban Design Framework Plan 2008** – The primary focus of this non-statutory plan is to produce a comprehensive urban design compendium which will help council officials, developers and general public in guiding development within the Dundalk Town Centre Area, up to 2025, in terms of built form, movement and

public realm. Objective SS 26 of the LCDP seeks to support the implementation of the framework plan. The subject site is in the Town Core Character Area as defined in the Plan. The Long Walk and The Laurels are identified as Key Streets with a Primary Public Space identified at their junction and to the south of the site.

## **5.2. National Planning Policy**

### **5.2.1. Project Ireland 2040, National Planning Framework, (NPF).**

The NPF provides a series of National Policy Objectives (NPOs), which relate to infill development and utilising underused sites. The following NPOs were referenced in the grounds of appeal and by the applicant in their response.

- NPO 3a - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements<sup>17</sup>.
- NPO 3c - Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprint.
- NPO 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.
- NPO 11 - In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 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.

- NPO 33 - 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 reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Strategic Outcome 10 – Access to Quality Healthcare, Education and Health Services.

#### **5.2.2. Regional Spatial & Economic Strategy for the Eastern & Midland Region 2019-2031**

The following Regional Policy Objectives (RPOs) were listed in the appeal,

- RPO 4.19 - A statutory Urban Area Plan (UAP) shall be prepared by Louth County Council for the Regional Growth Centre of Dundalk in collaboration with the EMRA. The UAP will support the development of Dundalk as an attractive, vibrant and highly accessible Regional Centre and economic driver. The UAP will identify a functional urban area and plan boundary for the plan area and strategic housing and employment development areas and infrastructure investment requirements to promote greater coordination and sequential delivery of serviced lands for development.
- RPO 4.24 - Support social inclusion measures including the revitalisation of areas by physical regeneration, planning, investment and community development and measures to improve educational attainment levels, up skilling in key competencies and skills acquisition.
- RPO 9.23 - Facilitate the development of primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with RSES settlement strategy and core strategies of development plans.

### **5.3. Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

### **5.4. EIA Screening**

5.4.1. 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, therefore, is not required.

## **6.0 The Appeal**

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

The appeal is on behalf of Carroll Village Retail Management Services Limited (CVRM) who were responsible for the development of the Carroll Village Shopping Centre development and are the current management company for the centre. The grounds of appeal include the following,

- The appeal argues that the description of the development did not refer to the car parking at Carroll's Village Shopping Centre or access to same from The Long Walk and that the application should have been invalidated under Article 23(1) of the Planning and Development Regulations 2001 (as amended), hereinafter referred to as the Planning Regs. It is also argued that the location of the site notices was not in accordance with the Articles 18 and 19 of the Planning Regs. as two of the notices were outside of the red line area and on third party lands.
- The appellant submits that the applicant (Aviva Life and Pensions Ireland DAC) does not have sufficient property rights to implement the development which would essentially sterilise the appellant's lands for future redevelopment and regeneration. This would also seriously injure the amenities and/or depreciate the value of property in the area.

- As the applicant is not the owner of the full extent of the site, a letter of consent from the owner (CVRM) is required and has not been submitted. The appellant opines that the applicant did not adequately address the PA's request to clarify that they had sufficient legal interest in the lands to apply for planning permission. It is their view that the information submitted by the applicant did not adequately address the issue or prove legal interest and merely related to the function and operation of the unit.
- The grounds of appeal state that there is inadequate parking provision within the defined site boundary to service the development. Further to an amendment through FI, the development would have 17 car spaces within its site boundary (red line area). Based on Table 13.11 of the Louth County Development Plan, the appellant calculated that the development would generate a requirement of 207 car parking spaces. The applicant put forward argument that the development would require 164 car spaces as some of the spaces would be dual use, which would still leave an under-provision of 147 spaces within the application boundary.
- It is put forward by the appellant that the decision of the PA requires the former Carroll Village Complex Shopping Centre surface car park to be permanently retained in parking, preventing any potential for regeneration, which is contrary to the D1 Regeneration Zoning Objective and National Policy Objectives 3a, 3c, 11, 13, 33 and 35 and Regional Policy Objective 4.19 and 4.24.
- The appellant is of the view that the proposed development does not provide sufficient details of mitigation measures regarding Construction and Demolition and the potential impact on adjoining properties. Impacts and treatment of common boundaries with adjoining landowners has not been resolved. The application should have included a Construction Waste Management Plan, a Construction Environmental Management Plan and a Construction Traffic Management Plan.
- Existing access to the anchor unit is via the Mall at the Carroll Village Shopping Centre, which is within the ownership of CVRM. The appeal argues

that the proposed development does not adequately resolve existing access to the Carroll Village Shopping Centre.

- It is the appellants view that the proposed development is of a generic design which is not appropriate for the town centre location. The design does not present an urban street front and would compromise the development of adjoining sites. The provision of building plant at ground level would also be unsightly and contrary to the amenity of the area.
- Attachments submitted with the appeal include a copy of the Lease between Parolen Limited, Carroll Village Retail Management Services Limited, Anglo Irish Bank Corporation PLC and Superquinn which is accompanied by a map of property ownership.

## **6.2. Applicant Response**

A response was received from the applicant on the 8<sup>th</sup> of August 2023 and includes the following,

- The applicant notes that the development description was accepted by the PA and fully describes the extent of the proposal and that the site notices were inspected and found to be in order.
- It is argued that no development is proposed for the car park and the existing parking provision will continue to serve the proposed use. Therefore, the red line boundary was not required to extend to incorporate this area. This approach was accepted by the PA who were satisfied that the applicant had sufficient rights to utilise the car park for the proposed development.
- The applicant states that they hold a legal right to the use of the car park adjoining the site to the west. The car park is currently under the management of CVRM who are obligated to maintain this facility for the benefit of the tenants of Carroll Village. Although the shopping centre is currently vacant, and the car park is disused the applicant retains a right to its use.
- The applicant is of the opinion that the issues raised regarding sufficient legal interest to the implement the development and to provide parking on the adjoining car park were similar to those raised and clarified through the PA 's

request for FI. Copies of the legal documents submitted to the PA was included. In their assessment of the FI, the PA were satisfied that the applicant held sufficient rights to the use of the car park.

- A letter submitted by the applicant from their solicitor dated the 26<sup>th</sup> of July 2023 refers to the response to FI dated the 18<sup>th</sup> of April 2023, which states that there is no legal basis to the argument put forward that the applicant's legal rights to the car park have been extinguished due to the anchor unit ceasing to be used as a supermarket. In 2012 the Management Company and the applicant's predecessors in title entered into a Deed of Variation (copy attached to applicant's response) of the lease which specifically removed any requirement that the anchor unit be kept open for retail trade and simultaneously reconfirmed all other elements of the lease including the car park arrangements.
- A letter submitted by the applicant from their solicitor dated the 26<sup>th</sup> of July 2023 refers to the response to FI dated the 18<sup>th</sup> of April 2023, which states that the applicant (Aviva Life & Pensions Ireland) has a 999-year lease of the anchor unit which runs from the 1<sup>st</sup> of June 1998. This lease was originally assigned to Superquinn which in turn assigned their interest to Aviva. The lease and the map attached to the lease was appended to the letter. (The map is black and white and has no legend or reference to areas shown. The deed of variation dated the 30<sup>th</sup> of November 2012 is also appended. This deed is between Parol Limited, the Carroll Village (Retail) Management Services Limited and Friends First Managed Pension Funds Limited). The letter states that the car park is owned by CVRM, and that Clause 2.2 of the lease includes a right for Aviva (the applicant), its tenants and customers to *'use the car park at all times and for all proper purposes subject to reasonable regulations...'*. The lease includes a covenant from CVRM to Aviva that they will repair and maintain the car park and provide not less than 459 spaces *'for the parking of cars or other vehicles for use by persons resorting to the Centre as customers'*. The letter states that the car park arrangements referred to are permanent and form part of Aviva's legal title to the anchor unit.



- The applicant submits that legal information and correspondence was fully accepted by the PA when submitted in response to a request for FI. Furthermore, the development would not sterilise the CVRM landholding and prevent development potential as the current lease agreement confirms the right to use the car park. The proposed development is acceptable within the D1 – Regeneration zoning objective and would contribute to the redevelopment of a vacant and disused shopping centre in a town centre site.
- Regarding the quantum of parking proposed, the application includes 17 spaces for disabled access within the red line area, which were accepted by the PA.
- The response from the applicant notes that the appeal information overestimated the number of consulting rooms by 5 no., stating that there are 87 no. in total, where the proposal seeks to provide 5 no. GP consulting rooms and 77 no. Primary Care consulting rooms. In addition, the appellant separates the office uses from the medical uses to infer independent uses. In reality all medical clinics and GP surgeries have associated offices and are dealt with as one inclusive entity. There is no separate requirement in the Development Plan standards to provide additional car parking to serve these aspects. Thus, the calculated maximum permitted provision of 170 no. spaces is the accurate figure in this instance.
- As per the FI response, the applicant submits that the dual function of the medical centre and pharmacy would reduce the number of spaces to 164. However, due to the location of the site in a town centre with access to public transport and proximity to other public car parks, the actual demand may be lower.
- It is put forward by the applicant that the previously approved and constructed retail space, which is being replaced by the proposed Primary Care Centre has an associated provision of car parking within the adjacent Carroll Village Shopping Centre car park. This allows for a quantum of parking which is higher than required for the Primary Care Centre, meaning an appropriate level of parking would be provided. An additional 17 accessible spaces would

also be provided on request from the PA and in consideration of the proposed use.

- The applicant disputes claims made by the appellant that the development requires the surface car parking to be permanently retained. They submit that the car park is in existence and is outside the application site. There is an existing agreement in place between the applicant and the management company which relates to the use of the car park and the permission places no additional reliance or obligation on the car park.
- The response states that the development is in accordance with the D1 zoning objective for the site and aligns with the design principles and objectives of the Dundalk Urban Design Framework Plan as it will assist in the wider regeneration of the Carroll Village which is currently vacant. The PA noted that there was no masterplan in place for the site and had no issue with this.
- Regarding the national and regional policy objectives cited by the appellant, the applicant is of the opinion that the objectives focus on housing delivery on brownfield, infill lands (NPO 3a, 3c, 32, 33 and 35). The applicant does not accept that the proposal would in any way prejudice the delivery of residential development in the central urban area.
- The applicant is satisfied that sufficient details regarding construction and demolition have been provided. An Outline Construction Method Statement and Outline Construction & Demolition Environmental & Waste Management Plan were submitted as part of the FI response, and additional architectural drawings providing detail on the existing situation between the unit and the adjoining shopping centre were also prepared and submitted. The decision of the PA also includes conditions, (12, 18, 19 and 20) which relate to the preparation and agreement of Construction Management Plan, Construction & Demolition Waste Management Plan, CEMP and piling and vibration. The report of the PO noted that a Construction Waste Management Plan, CEMP and Construction Traffic Management Plan could be addressed through condition.

- Regarding the access arrangement for the site, the applicant reiterates their legal entitlement to the car park and notes that CVRM are obligated to maintain the car park for operational use under the current lease. Access to the site from the eastern perimeter at the Long Walk has been accepted by the PA and the applicant is entitled to access the car park from the western side under the current lease agreement.
- The response states that the design of the development was carefully considered to allow for the requirements of the HSE. The location of the plant room / Air Source Heat Pump was raised as a concern by the PA at FI stage and alterations were made to the design and finishes of the building. This was accepted by the PA who were satisfied that the issue has been resolved.

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

- A response from the PA was received on the 31<sup>st</sup> of July 2023 and states that the issues raised in the third-party appeal have been considered in detail by the PA and in the planner's reports prepared for the application. The Board is requested to uphold the decision of the PA.

### **6.4. Observations**

- No observations received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Design and Layout
- Car Parking

- Construction & Demolition Impacts

## 7.2. Principle of Development

- 7.2.1. The subject site is a vacant brownfield site located in the town centre of Dundalk. It is zoned objective 'D1 – Regeneration' and is in an area which has been identified for regeneration in the LCDP and in the Dundalk Urban Framework Plan 2008. Within the D1 zoning, 'Health Care Centre' and 'Healthcare Practitioner' are uses which are listed as 'Open for Consideration'. I am satisfied that that, based on the D1 zoning objective for the site, which allows for the consideration of the proposed land uses, and the nature and location of the brownfield site, the principle of the proposed development is acceptable and can be assessed on its merits.
- 7.2.2. I note that the appellant queried the lack of a masterplan for the development of the overall site and referenced Section 13.5 of the LCDP in this regard. Section 13.5 of the LCDP promotes the preparation of masterplans for the development of larger sites in the county. The Development Plan also states that, '*Landowners or developers shall engage with the Planning Authority at the early stage of the design process to determine if a Masterplan is required. The larger Masterplan areas in the County are outlined in Table 13.1*'. The subject site is not listed in Table 13.1 and a masterplan was not requested by the PA for its development. This issue was raised by third parties during the initial application stage and the PA did not request a masterplan or consider it necessary for their decision.
- 7.2.3. Whilst the preparation of a masterplan for the site may be advantageous to its overall development, it is not a specific planning requirement for the subject site, and it was not requested by the PA. On that basis, I am satisfied that the proposal can be considered within the context of the existing and surrounding development and in accordance with Development Plan requirements.

## 7.3. Procedural Issues

- 7.3.1. The grounds of appeal raise a number of issues which they contend relate to the validity of the planning application. The appellant is of the opinion that the description of the development in the public notices is inadequate as it does not refer

to the car parking on adjoining land and outside of the red line boundary. On this basis it is also argued that the site layout plan is inaccurate and the application does not comply with the requirements of Articles 18, 19 and 23(1) of the Planning and Development Regulations 2001 (as amended). It is also submitted that two of the site notices were positioned on the Long Walk Road and outside of the red line area. As neither of the notices were located at an existing access to the development site or within the ownership of the applicant, the appellant argues that they are not in accordance with Article 19(1) of the Planning Regulations.

7.3.2. This issue was not addressed by the PA in their response to the appeal or in the reports of the PO. However, in the applicant's response to the appeal and the FI request, they are satisfied that the site notices were in accordance with the provisions of the Regulations and that they were inspected by the PA who deemed them to be compliant. It is also put forward that the description of the development more than adequately describes the proposed works and notes that the applicant has legal rights to use the existing car park and that no works are proposed to the car park itself. Therefore, it was not necessary for the red line boundary to extend into the car park.

7.3.3. I note to the Board that the validation of planning applications, which are subject to appeal under Section 37 of the Planning and Development Act 2000, (as amended) is a function of the Planning Authority and is not a matter for the Board to consider within the remit of the appeal. In terms of procedural matters and the alleged irregularities in terms of the location of the site notice and the description of the development, I note that both matters were considered acceptable by the planning authority, and I am satisfied that this did not prevent the concerned party from making representations. The assessment below represents my de novo consideration of all planning issues material to the proposed development.

#### **7.4. Design & Layout**

7.4.1. The appellant is of the opinion that the design of the development is unsuitable for the site as it does not present an active urban street frontage and would compromise the development of adjoining sites. They submit that the GP and Pharmacy uses would animate the street frontage but are positioned to the rear of the building and

the main entrance is c. 40m from the street. The location of the plant building in the public realm is ill conceived and unsightly.

- 7.4.2. Whilst I have no issue with the height, scale or overall design of the development, I would share the opinion of the appellant that the internal layout of the building could contribute more to the animation of the existing streetscape.
- 7.4.3. The external appearance of the building is contemporary in nature and is broadly consistent with modern town centre developments. The design statement for the development notes that the brief for the Primary Care Centre contained specific requirements for the building which dictated some of the design choices such as openable windows etc.
- 7.4.4. I consider the height of the four-storey building to be in keeping with the general pattern of development in the area. The prevailing height of the buildings to the east of the site and on the opposite side of the road is three storeys, with an apartment block to the north-east and the IMC cinema to the south-east. Directly to the north and backing onto the site, are the two-storey housing stock in the Laurels. The closest house would be approximately 35m from the northern façade of the proposed building. A sun shade study was submitted with the application but shows only the proposed scenario and not the existing situation. However, the study shows that the residential developments to the north of the site would not suffer from any significant impacts from the development in terms of overshadowing during the spring, summer and autumn months. I am satisfied that given the separation distance between the buildings and the orientation of the existing residential development, which do not back directly onto the site and face it side-on, that the existing houses would not suffer from any undue impacts on existing residential amenity in terms of loss of light or overshadowing.
- 7.4.5. The location of the plant building was queried by the PA in the FI request. In their response the applicant states that the enclosure contains the Air Source Heat Pumps (ASHP) for the building and that the position was chosen due to the requirement for the ASHP to have constant ventilation. Due to their technical requirements, it is preferable to have them at ground floor access and slightly apart from the building for access, maintenance and accessibility reasons. The applicant also states that it is important to locate the ASHP's as close to the plant room as

possible to negate heat loss through the pipe work. The location of the enclosure to the north of the building was chosen as it would be at the rear of the building and not near the primary façade and main entrance which is along the southern site boundary. As the location of the enclosure is somewhat fixed the applicant proposed two options for the external finishes to the structure. The enclosure was sized to fit two ASHPs which may not be required at detailed design stage. This would reduce the scale of the enclosure. Whilst the location of the plant enclosure within the public realm is not ideal, the technical constraints are noted. It is also not unusual to locate plant and other technical services in car parks or adjacent to circulation areas. The ambulance set-down area is also located beside the enclosure which reinforces the functional character to this section of the site. Therefore, I consider the positioning of the enclosure to be acceptable in this instance.

- 7.4.6. I note that the main entrance to the building is positioned on the southern façade of the building which faces onto the remainder of the shopping centre. The applicant anticipates that the main body of movement to and from the development will be from the car park area to the west of the site. I would agree with the appellant that the internal layout of the building services does not contribute to the public realm on The Laurels in any meaningful way. Whilst the overall development would represent a step towards the regeneration of the street by bringing a disused site into use, the building presents its main footfall generating uses and primary access towards the car park to the west and the vacant building to the south. A secondary access is provided along The Laurels. However, this does not contribute to the overall animation of the street, which has been earmarked for investment in the public realm. In my view, the overall contribution to the regeneration of the town centre would be better served by positioning the pharmacy unit or another active frontage unit along The Laurels rather than facing onto the car park which may be subject to future development.

## **7.5. Car Parking**

- 7.5.1. The crux of the appeal relates to the car parking for the development. The appellants raise an objection to the quantum of car parking proposed, its location and impact on the adjoining site and whether the applicant has sufficient legal

interest to deliver the car parking spaces. I will deal with each of these issues separately.

#### Legal Interest

- 7.5.2. The development site is part of the former Carroll Village Shopping Centre which has been closed for c. 11 years, as stated by the appellant. The unit previously operated as the retail anchor unit for the centre, (Superquinn). The adjoining car park serviced the shopping centre and when requested by the PA, the applicant submitted a lease agreement which they state, affords them legal standing to use the car park for the proposed development.
- 7.5.3. The appellant argues that the covenants between parties for the use of the car park have been extinguished as the Carroll Village Shopping Centre is no longer in operation, no service charges have been received by the management company (CVRM) in 8 years and there have been no customers at the centre in over 11 years. It is also argued in the appeal that no agreement has been made between the applicant and the appellant (CVRM) about the provision of car parking, or the remedial works required to bring the car park back into operation, which would require written consent. The applicants right to access the site from the car park is also queried. Plans for the development show a new vehicular and pedestrian access along the northern boundary and a new pedestrian link along the southern site boundary. Both routes would provide access to and from the car park to the west, which the appellant claims have not been agreed. The appellant has also submitted a map which they state details their land ownership and which indicates that CVRM own the strip of land between the building façade and the public footpath along The Laurels. It is stated in the appeal that no permission has been sought or granted for the applicant to traverse this land to gain access to their site.
- 7.5.4. In their response to the appeal, the applicant refers to their FI submission which they state demonstrates their right to use the car park. The submission includes a Solicitors letter that states that the applicant (Aviva Life & Pensions) has a 999-year lease of the anchor unit which runs from the 1st of June 1998, (copy provided). The letter states that Clause 2(2) of the lease contains the right for the applicant and its tenants and customers to *'use the car park at all times and for all proper purposes subject to such reasonable regulations as may be from time to time be made by the*



*Management Company in connection with and for the benefit of the Centre*'. The letter also states that the lease includes a covenant from the Management Company to Aviva that the management company will repair and maintain the car park and provide not less than 459 spaces in the car park *'for the parking of cars or other vehicles for use by persons resorting to the Centre as customers'*. It is also stated that no variation or alteration to the rights and covenants referred to has been agreed by Aviva and that the car park arrangements are permanent and form part of the applicant's legal title to the anchor unit. Therefore, any such variation would require written consent which has not been given.

- 7.5.5. The response of the applicant also contends that there is no legal basis or provision to suggest that the legal right to use the car park has been extinguished, either by law or within the lease itself. The applicant notes that in 2012, the management company and Aviva's predecessors entered into a Deed of Variation (copy attached to the appeal response) of the lease which specifically removed any requirement that the anchor unit be kept open for retail trade and simultaneously reconfirmed all other elements of the lease including the car parking arrangements.
- 7.5.6. This issue was raised during the planning application stage and the PA requested a response from the applicant. The PA was satisfied that the information submitted by the applicant was sufficient for the purposes of making a decision. In their report, the PO references Section 5.13 of the Development Management Guidelines which states that, *'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development'*. The PO noted that the applicant had submitted extensive documentation from their solicitor in an attempt to address the issue and that, in the absence of any further information from the third-party complainant, this information was accepted by the PA.
- 7.5.7. I have reviewed the information submitted by both parties and I am satisfied that the applicant has demonstrated that they have sufficient legal right for the purposes of making the planning application. The question of whether the legal right has expired while the unit has been vacant is not a matter for the Board to decide and is ultimately a legal matter between the parties which should be decided by the Courts.

The issues raised regarding access to the proposed development and permission to traverse a strip of land adjacent to the public footpath are ultimately legal issues between the parties and are not for adjudication by the Board. As noted in the Section 5.13 of the Development Management Guidelines 2007, disputes relating to land or rights of land are ultimately matters for resolution in the Courts. Should the Board find it appropriate, it is within their discretion to further query the legal interest of the parties under Section 131 of the Planning and Development Act. However, in this instance, I would not consider this to be necessary as the applicant has submitted sufficient documentation to demonstrate their legal rights. I note that the Board is entitled to accept the evidence provided of legal interest or to further query the details submitted under Section 131. However, given the information submitted by the applicant, I do not consider this to be necessary in this instance. Should the Board be minded to grant permission for the development, the permission is subject to Section 34(13) of the Planning and Development Act 2000 (as amended), which states that, *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

- 7.5.8. The car park is currently blocked off and remedial works will be required to allow access to the car park should permission be granted for the development. This would require consultation or agreement between the parties which is outside the scope of the appeal. The wording of Section 34(13) is relevant in this instance and the applicant is reminded that, *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

#### Quantum of parking

- 7.5.9. The appellant submits that the development does not provide a sufficient level of car parking within their red line boundary. Furthermore, the development would be undersupplied by the proposal to provide a total of 164 spaces both inside and outside of the red line boundary. The appellant has calculated a requirement for 207 car parking spaces, based on the Development Plan standards, (i.e. 2 spaces per consulting room and 1 space per 50 sqm office space). In their calculations, it is put forward that the development would have 87 consulting rooms and 1,654 sqm office space. This is refuted by the applicant who contends that the office space is ancillary to the main use and is not treated as an independent use which requires a separate quantum of parking. The requirement for car parking was calculated based

on 1 space per 20 sqm for the pharmacy (115 sqm) and 2 spaces per consulting room, (5 no. GP surgeries and 77 no. Primary Care Centre uses/clinics). As the pharmacy use could be considered a dual use for the main centre this quantum was reduced from the overall total. The PA were satisfied with the level of car parking proposed for the development. I note to the Board that the quantum of car parking was based on the provisions of the LCDP before it was varied in accordance with the Compact Settlement Guidelines. The variation to the Development Plan did not change the development standards for parking as they relate to the subject site and the development.

7.5.10. On request from the PA, seventeen accessible spaces are proposed along the northern site boundary and within the red line boundary. The applicant states that the remaining (147) spaces would be provided in the adjacent car park which is currently disused and which the applicant has a legal right to use.

7.5.11. I accept the argument put forward by the applicant that the office use shown is ancillary to the main use and does not require an independent assessment of parking standards. It is clear from the drawings submitted with the application that the offices as shown would be used for general admin, team meetings, break-out spaces and general uses which are connected to the Primary Care Centre. The applicant also notes that the parking standards as set out in the LCDP are maximum standards and do not need to be provided in their entirety. I have reviewed the details of the application and the appeal and am satisfied that the quantum of car parking proposed to service the development is in accordance with the provisions of the Development Plan. However, I would question whether the provision of 147 surface car parking spaces in a town-centre, regeneration site would be excessive and an efficient use of land.

7.5.12. Section 13.16.12 of the LCDP allows for a reduction in car parking requirement where,

- the PA is satisfied that sufficient parking is available in the vicinity of the development to cater for any shortfall,
- the nature of the development would facilitate dual use of parking spaces, public transport links would reduce the need for a car,

- the central location of the development is such that the users of the development would be likely to walk or cycle and/or there was no parking provided with the previous use and
- the development would not increase the parking requirement.

7.5.13. Where the quantum of car parking proposed is significantly lower than that set out in Table 13.11 of the Development Plan, the PA requires that a Transport Mobility Management Plan is submitted with the application and that parking demand calculations shall be provided detailing the demand throughout the day. Whilst a reduced level of car parking may be acceptable given the location of the development in the town centre and near a bus and train station, I have no information to justify a reduction in the level of parking required to service the development. Given the nature of the development as a Primary Care Centre, it is reasonable to assume that a certain level of parking will be required for people using the facility which would cater for a range of public health services. Therefore, it is not rational to arbitrarily reduce the level of parking required. I would agree that the use of the town centre site as a surface car park is not the most efficient use of land, and an alternative use would be preferable. The impact of this level of surface car parking on the adjoining site was also raised in the grounds of appeal and is considered in the following section.

#### Impact on the Adjoining Site

7.5.14. The grounds of appeal raised concerns regarding the impact of the development on the future development potential of wider site. It is submitted in the appeal that the development would allow the applicant to have 'free reign' on the car park / land holding and would in effect sterilise the land from future development. As such the proposed development would seriously injure the amenities and/or depreciate the value of property in the vicinity and would impact on the potential for the overall regeneration of the site.

7.5.15. Information submitted with the application states that the existing car park has capacity for 459 car spaces. The development proposal does not indicate where the car parking spaces to service the Primary Care Centre would be located within the existing car park or how these spaces would be managed. The appeal references the report from the Transportation Department which requested that the applicant

submit a formal written agreement with a map showing the extent of the lands that will be maintained for the car parking use and that requested the details be entered as a burden against the title of the land, i.e. that the car parking spaces cannot be used for any other means other than parking for the Primary Care Centre. A condition of this nature was not attached to the planning permission. It would be outside of the remit of the PA and would be unenforceable.

- 7.5.16. Guidance on the application of planning conditions is contained in the Development Management Guidelines for Planning Authorities, (2007), and in the Office of the Planning Regulator, (OPR), Practice Note PN03, (2022). Section 3.8 of the OPR guidance states that, *‘Conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable. Such conditions should not be imposed’*.
- 7.5.17. The quantum of parking for the use of the Primary Care Centre has been identified as 164 spaces. When the 17 spaces within the red line are deducted this would leave 147 spaces to be provided within the existing car park. As set out above, the applicant has demonstrated that they have legal rights to use the car parking spaces. In my view it would not be reasonable for the applicant to have ‘free reign’ over the entire car park and instead an agreement could be reached between the parties as to where the 147 spaces would be provided within the car park. This is a matter for agreement between the parties and is not an issue that can be addressed through a planning condition as it is outside of the red line boundary and is within separate ownership. Whilst Section 34(13) of the Planning Act is relevant in this instance, I would have a concern that the applicant has not indicated where the required spaces would be and how they would be managed within the wider site. As the car park is not within the red line boundary or within a blue line boundary, it is not possible to manage their delivery through the planning consent process. Therefore, the delivery of the spaces is somewhat left to good faith. This is not an acceptable resolution to the issue as a certain quantum of car parking would be required as per the Development Plan and given the nature of the proposed development. As noted above, Section 13.16.12 of the LCDP allows for a reduction in car parking. However, this has not been put forward by the applicant or the PA and no information has been submitted that would support or justify a reduction in the level of parking.

- 7.5.18. The use of the town centre site as a surface car park is not the most efficient use of land and an alternative use would be preferable. Regarding the impact of the proposal on the future development or regeneration of the wider site, the applicant has demonstrated a legal right to the spaces within the car park and as such can avail of them. This may include a separate agreement between the parties and any such agreement is outside the remit of this appeal.
- 7.5.19. Of more immediate concern is the lack of oversight the development consent process would have to control the delivery of the parking spaces for the development as they are not within the red line or blue line boundary and cannot be conditioned. In my view this is a flaw in the overall application and is significant enough to warrant a refusal.

## **7.6. Construction & Demolition Impacts**

- 7.6.1. The appellant submits that the information submitted with the application does not adequately address how the construction and demolition works will be carried out given the difficulty that was encountered during the initial construction of the shopping centre. A concern was also raised regarding the treatment of the remainder of the building following demolition.
- 7.6.2. In the response to FI the applicant submitted an Outline Construction & Demolition, Environmental & Waste Management Plan which detailed at a high level how the construction works would be managed. A condition was attached to the decision of the PA for the preparation for written agreement by the PA for a Construction Management Plan (Condition No. 12), Construction & Demolition Waste Management Plan (Condition No. 18) and a Construction Environmental Monitoring Plan (Condition No. 19). Condition No. 20 also sets out requirements in relation to piling and vibration.
- 7.6.3. I am satisfied that the conditions attached to the decision of the PA would be sufficient to address the technical and engineering details of the works proposed for the site. The potential for technical complications during construction is noted. However, these issues would be rooted in the engineering specifications and are not planning issues. The constraints of the site in terms of its engineering difficulties

would be resolved during the detailed design stage and through the carrying out of site investigations.

- 7.6.4. Drawing No. 2023 – Contiguous Elevation & Façade to Existing Retail Planning Stage, was submitted with the planning application and details the proposed finish to the remainder of the shopping centre. The drawing proposed that the remaining wall of the shopping centre which will form the southern part of the site boundary would be painted smooth plaster finish to the walls with aluminium parapet capping along the top. I am satisfied that the external finishes to the remaining wall have been considered and that any additional impacts regarding the structural integrity of the adjoining property because of the development is an engineering issue. Access to the site for repairs or additional works is a civil issue between the parties.

## 8.0 Appropriate Assessment –

- 8.1. An Appropriate Assessment Screening Report was submitted with the application. The report concluded that, *‘It can be excluded on the basis of objective information, that the Proposed Development, individually or in combination with other plans and projects, will have a significant effect on a European site’*.
- 8.2. I have considered the application for a Primary Care Centre in the town centre of Dundalk in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2.1. The subject site is located within Dundalk town centre. It is a disused, brownfield site surrounded by a mix of residential and commercial development in an urban setting. The site is not located in, or adjacent to any designated European site. The closest European sites are,
- Dundalk SPA, (Site Code – 004026), approximately 0.5km to the north of the site, and
  - Dundalk SAC, (Site Code - 000455), approximately 0.87km to the northeast of the site.

There is no direct or indirect connection between both sites. As such there is no pathway between the sites.

- 8.3. The proposed development comprises the partial demolition of a former shopping centre building and the construction of a four storey Primary Care Centre with all associated works including car parking, landscaping and signage.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature of works which would involve demolition and construction on a brownfield site in an urban area.
  - The location of the site within the town centre and surrounded by urban development.
  - The lack of a physical connection / pathway to the nearest European site.
  - Taking into account the screening report submitted by the applicant and the screening carried out by the PA.
- 8.6. 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.
- 8.7. 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**

- 9.1. I recommend that planning permission is refused for the development.

## **10.0 Reasons and Considerations**

1. The development proposal for a Primary Care Centre does not provide a sufficient level of car parking within the site curtilage and the application does not include any details as to the exact location of the remainder of the parking spaces which are required in accordance with Table 13.11 of the Louth County Development Plan 2021-2027. In the absence of this information, the proposal would not represent orderly development and would not be in



accordance with the policies and objectives of the Louth County Development Plan 2021-2027. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would fail to engage with the existing streetscape which is designated as a regeneration area. The layout of the development would not provide active frontage to The Laurels, which would help to animate the street, and which would support the 'D1 – Regeneration' zoning objective for the site. Therefore, the proposal would not be in accordance with the policies and objectives of the Louth County Development Plan 2021-2027 and would not be in accordance with the proper planning and sustainable development of the area.

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.

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Elaine Sullivan  
Senior Planning Inspector

24<sup>th</sup> of July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |  |   |   |
|---|--|---|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-317542-23  |   |   |
| <b>Proposed Development<br/>Summary</b>   | Demolition of shopping centre building and construction of primary care centre, amenities and associated site works. |   |   |
| <b>Development Address</b>  | Carroll Village Shopping Centre, The Long Walk, Dundalk, 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>  | X   |
|   |  | <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>   |  |   |   |
| <b>Yes</b>  |  |   | EIA Mandatory<br>EIAR required              |
| <b>No</b>   | X  |   | 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>No</b>   |  | N/A   | No EIAR or Preliminary Examination required |
| <b>Yes</b>  | X  | Class 10 (b)(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 | Proceed to Q.4                              |

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

| 4. Has Schedule 7A information been submitted? |   |                                  |
|--|---|----------------------------------|
| No   | X | Preliminary Examination required |
| Yes  |   | Screening Determination required |

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

## Form 2

### EIA Preliminary Examination

|  |  |                              |
|--|--|------------------------------|
| <b>An Bord Pleanála Case Reference</b>   | ABP-317542-23  |                              |
| <b>Proposed Development Summary</b>  | Demolition of shopping centre building and construction of primary care centre, amenities and associated site works.   |                              |
| <b>Development Address</b>   | Carroll Village Shopping Centre, The Long Walk, Dundalk, Co. Louth.  |                              |
| <p><b>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.</b></p> |  |                              |
|  | <b>Examination</b>   | <b>Yes/No/<br/>Uncertain</b> |
| <p><b>Nature of the Development</b></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 proposed development is for a Primary Care Centre on a brownfield site in a town centre.</p> <p>The development would be connected to the public wastewater and waste services.</p> | <p>No</p> <p>No</p>          |
| <p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>   | <p>The scale of the development is commensurate with the existing pattern of development in the town centre.</p>   | <p>No</p>                    |

|   |   |  |
|---|---|--|
| Are there significant cumulative considerations having regard to other existing and/or permitted projects?  |   | No   |
| <b>Location of the Development</b><br>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?<br><br>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? | No designations apply to the subject site.<br><br><br><br><br><br><br><br><br><br>The development would be connected to the public wastewater services. | No<br><br><br><br><br><br><br><br><br><br>No |
| <b>Conclusion</b>   |   |  |
| <b>There is no real likelihood of significant effects on the environment.</b><br><br>EIA not required.  |   |  |

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

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

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

(only where Schedule 7A information or EIAR required)

