



An  
Bord  
Pleanála

## Inspector's Report ABP-318174-23

### Development

Demolition of derelict structure and the construction of 39 dwellings and all associated site works. This application is accompanied by a Natura Impact Statement (NIS).

### Location

Dublin Road, Haggardstown, Dundalk, Co. Louth.

### Planning Authority

Louth County Council.

### Planning Authority Reg. Ref.

22/1000.

### Applicant

Molaris Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant of Planning Permission.

### Type of Appeal

Third Party v Grant of Planning Permission.

### Appellant

1. Brian McElarney.
2. Helen O'Connell.

### Observer(s)

None.

**Date of Site Inspection**

21/08/2024.

**Inspector**

Enda Duignan

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	7
4.0 Relevant Planning History .....	11
5.0 Policy and Context.....	13
6.0 The Appeal .....	21
7.0 Assessment.....	30
8.0 Recommendation.....	60
9.0 Reasons and Considerations.....	60
10.0 Conditions .....	61
Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Screening	
Appendix 2: AA Screening Determination	

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is Dublin Road, Haggardstown, Dundalk, Co. Louth. The site has a stated area of c. 1.05ha and is located on the eastern side of the R132 (Dublin Road), c. 280m to the north of the junction of the R132 and the Old Golf Links Road. The site has an irregular shape with a frontage of c. 60m to the R132. There are currently 3 no. gated vehicular entrances that serve the site and which are located at the centre and southern and northern ends of the site's roadside boundary. A brick and render wall forms the remainder of this boundary. An existing pitched roof agricultural building currently occupies the site. The building is in a poor state of repair and is positioned within the site's south-western corner. The remainder of the site comprises an existing ground covering of scrub, spoil and limited vegetation. The Applicant confirms that the site has been subject to significant engineering works including a mains sewer line which transverses eastern end of the site in a north to south direction. In terms of topography, the site is relatively flat with a moderate slope towards the rear (eastern) boundary.
- 1.2.** In terms of the site surrounds, there is an existing detached bungalow to the immediate north of the site which is occupied a Third Party appellant. This dwelling is served by a large area of amenity space to its rear (east) with car parking provided within the dwelling's front setback. A detached bungalow is also located to the south of the appeal site. This dwelling is also served by an area of amenity space to its rear which has an abuttal to the southern site boundary. There is an existing drainage ditch which abuts the site's eastern (rear) boundary. Further to the east of the site are agricultural lands. In terms of the wider surrounds, the appeal site is located c. 500m to the south of Dundalk Institute of Technology. The town centre of Dundalk is located c. 3.5km to the site's north.

## **2.0 Proposed Development**

- 2.1.** Planning permission was originally sought for development on the appeal site comprising the demolition of an existing derelict structure and the construction of a total 39 no. dwellings (6 no. 1 bed, 12 no. 2 bed & 21 no. 3 bed). The dwellings comprise a combination of houses and duplex apartments ranging in height from two to three storeys and are laid out across 10 no. blocks. The site is to be accessed via

a new centrally located vehicular entrance which leads to an internal estate road serving each of the blocks. To the north of the entrance and the internal estate road is Block 1. This is a terrace of 4 no. dwellings which are orientated towards the R132 and are served by a front garden and an area of private amenity space to their rear. Off-street car parking is also provided (1 or 2 no. car parking spaces) within their rear amenity spaces. Block Nos. 2 & 3 are located to the east of Block No. 1 and are accessible via the internal estate road. Block Nos. 2 & 3 comprise terraces of 6 and 5 houses respectively with each block being bookended by a three storey dwelling with a gable fronted pitched roof form. Each dwelling is served by an area of amenity space to their rear (north) and on street car parking is provided on the internal estate road.

**2.2.** Block Nos. 4 & 5 are located within the south-eastern corner of the site and to the south of the central open space area. Block 4 is a 3 no. storey duplex apartment building comprising a total of 4 no. apartments (2 x 1 bed, 1 x 2 bed & 1 x 3 bed). To the immediate south the duplex apartments is Block No. 5 which is a terrace of 3 no. two storey dwellings. The apartments and houses within the blocks are served by on-street parking and private amenity space is provided in the form of rear gardens for the houses or balconies for the upper floor level apartments. Directly opposing (west) these blocks are Block Nos. 6 & 7. The terrace of houses (Block 6) has an eastern orientation with private open space, in form of rear landscaped gardens, located to their rear (west). The apartment building (Block 7) has an eastern and northern orientation with private open space provided in the form of ground floor level gardens and balconies on the upper floor levels.

**2.3.** Block Nos. 8 & 9 comprise a terrace of 4 no. dwellings and a pair of semi-detached dwellings. Each dwelling is served by an area of private amenity space to its rear which has a southern orientation. Block 8 is bookended by a 3 no. storey dwelling with a gable fronted pitched roof form. The pair of semi-detached dwellings within Block 9 have a gable sided pitched roof with a gable projection to the front. All dwellings within the blocks have on-street car parking.

**2.4.** Block No. 10 is located to the south of the proposed site entrance and is orientated to the R132 (west) and the internal estate road (north). The 'L' shaped building comprises

a total of 4 no. apartments and has a similar design, form and internal layout as the other apartment blocks within the development (i.e. Block Nos. 4 & 7).

- 2.5. The dwelling mix proposed as part of the development is outlined in Table 2.1 below.

**Table 2.1**

Dwelling Type	One Bed	Two Bed	Three Bed	Total
Houses	0	9	18	27
Duplex Apartments	6	3	3	12
Total	6	12	21	39

- 2.6. In terms of open space, a public open space area is located within the centre of the site with a total area of c. 1,660sq.m. An area of communal open space measuring c. 266sq.m. is also located to the west of Block 10, between the apartment building and the site's boundary with the R132.

- 2.7. Permission is also sought for all associated site development works including undergrounding of overhead ESB power lines, an ESB substation, landscaping, boundary treatments, public lighting, footpaths and roads associated with the proposed development.

- 2.8. Key details of the development as originally proposed are summarised in Table 2.2 below.

**Table 2.2**

No. of Units	39
Commercial Floor Space	0
Site Area	1.05 ha
Plot Ratio	0.4
Density	37 units per hectare
Building Height	1 - 3 storey
Dual Aspect Apartments	100 %
Child Care facility	No
Car Parking	42 spaces (including disabled 8

- 2.9.** To address concerns raised by the Planning Authority, the Applicant modified the design of the development at Further Information stage through the omission of 2 no. apartments from within Block No. 4 (Apartment Nos. 16 & 17). In addition, the Applicant revised the roof profile design of Block Nos. 1, 2, 3 & 8. The revisions to the development are discussed in further detail in Section 3.2 below and the revised dwelling mix is detailed in Table 2.3 below.

**Table 2.3**

<b>Dwelling Type</b>	<b>One Bed</b>	<b>Two Bed</b>	<b>Three Bed</b>	<b>Four Bed</b>	<b>Total</b>
<b>Houses</b>	0	9	14	4	27
<b>Duplex Apartments</b>	5	2	3	0	10
<b>Total</b>	6	12	21	0	37

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Louth County Council granted planning permission for the proposed development subject to compliance with 19 no. standard conditions.

Conditions of note include:

Condition No. 2 restricts all house and duplex unit to first occupation by individual purchasers.

Condition No. 3 requires the Applicant to comply with the mitigation measures contained within the NIS.

Condition No. 7 details the requirements of the Infrastructure Section, including the requirement to achieve adequate sightlines from the proposed entrance.

Condition No. 18 sets out the requirements with respect to archaeology.

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

##### **3.2.1. Planning Report**

- 3.2.1.1. The Louth County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and surrounding context and an overview of the policy at local and national level that was deemed to be relevant to the proposed development. The report provides details of the planning history of the site and surrounds and a summary of the observations on the planning file.
- 3.2.1.2. In terms of their assessment, the Planning Authority was satisfied that the principle of development was acceptable at this location and the scale and height of the development was generally consistent with the pattern of development in the surrounding area. However, further information was requested with respect to the following matters:
1. A redesign of the side elevations of Block Nos. 1, 2 & 3 as the roof profiles were considered to detract from the overall design concept.
  2. Revised car parking layout for Block No. 2.
  3. Further information from the Planning Authority's Infrastructure Section with respect to provision of pedestrian and cycle infrastructure along the site frontage. The Applicant was also requested to submit revised drawings showing;
    - Provision of the correct tactile arrangement at all junctions.
    - Achievement of corner radii in accordance with DMURS.
    - Provision of charging points for electric vehicles.
  4. The Infrastructure Section also requested the relocation of the attenuation tank and dwellings to ensure a riparian corridor of 10m is maintained (i.e. from rear (eastern) boundary).
  5. Archaeological investigations of the appeal site and the submission of a written report.
  6. Updated NIS and associated mitigation measures, if required.
- 3.2.1.3. As indicated in Section 2 above, the Applicant submitted a revised design by way of further information. Revisions were made to the roof profiles of Blocks Nos. 1, 2 & 3. In addition, the overall number of dwellings within the scheme was reduced (i.e. from



39 to 37) in order to provide the 10m riparian corridor along the site's eastern boundary. Overall, the Planning Authority was satisfied that the Applicant's response was acceptable, and a grant of planning permission was recommended subject to compliance with 19 no. conditions.

### 3.2.2. Other Technical Reports

Infrastructure Section: Initial report recommending additional information with respect to the matters outlined in section 3.2.1. Second report on file stating no objection to the proposed development subject to compliance with conditions.

### 3.2.3. Prescribed Bodies

Irish Water: No report received.

Department of Housing, Local Government and Heritage: Report received indicating that site is located within proximity of four recorded monuments and an archaeological assessment was requested to be submitted by way of further information.

### 3.2.4. Third Party Observations

A total of 11 no. observations were received by Third Parties during the initial period of consultation. The issues raised within the observations can be summarised as follows:

- Concerns raised regarding the potential for the historical dumping of asbestos, builder's waste or domestic waste on the appeal site.
- Concerns regarding the impact of the proposed development on the residential amenity of properties within the surrounds by reason of overlooking, loss of views, overshadowing and loss of sunlight.
- The proposed development will devalue properties within the surrounds.
- Concerns with respect to the schemes' boundary treatments and landscape design.
- The proposed development will negatively impact the established neighbourhood character.
- The density of development proposed is considered to be excessive at this location.

- It is highlighted that the development does not respect the established building lines.
- Concerns raised regarding the provision of apartments at this location.
- Concerns that the submitted documentation is lacking site sections to show the development in the context of adjoining sites.
- The proposed development will exacerbate traffic congestion within the area.
- An observation had queried the time of the Applicant's traffic surveys.
- Concerns associated with the lack of public transport serving the development.
- Drainage related concerns.
- Construction related impacts are raised.
- Concerns that the development has not been supported by a noise survey.
- The Applicant should be required to prepare a detailed Construction Management Plan.
- Concerns highlighted with respect to the construction phase of the project.
- Concerns that a LAP has not been implemented for the area.
- Concerns with respect to the inadequacy of open space provision on site.
- Concerns highlighted that all the hedgerows and trees have been cleared from the site and the associated ecological damage.

Following the submission of further information, a further 12 no. observations were received from Third Parties. The matters raised in the observations can be summarised as follows:

- A number of submissions reiterated that the site was formerly used as a dumping ground.
- Concerns raised regarding the impact of the proposed development on the residential amenity of properties within the site's vicinity which is contrary to the applicable zoning objective.
- Traffic related impacts highlighted, and it is noted that a smaller development on the site had been previously refused on those grounds.
- Concerns regarding the height and impact on the established character are reiterated.
- Concerns raised regarding the site's lack of public transport facilities and cumulative traffic impacts.

- Concerns raised regarding the impact of the proposed development on climate change.
- Flood risk and drainage related concerns raised.
- Concerns raised regarding the impact of the proposed development on ecology and habitats.
- Noise related concerns during the construction phase of the development.

## **4.0 Relevant Planning History**

### **4.1. The Subject Site.**

4.1.1. **22/230:** Planning permission refused by the Planning Authority for development comprising the demolition of the existing derelict structure on site and the construction of 40 no. dwellings (5no. 1-bed, 20no. 2-bed & 15 no. 3-bed) and all associated site works. The planning application was accompanied by a Natura Impact Statement (NIS). The application was refused for the following 3 no. reasons:

1. Having regard to the location of the site along the Dublin Road, a key artery into Dundalk and in particular Objectives 'HOU- 15' of the Louth County Development Plan 2021 -2027 which seeks 'To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located and 'HOU - 17' which seeks 'To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise and having regard to the sustainable residential communities and urban design and the general provisions of the Sustainable Urban Design Guidelines for Planning Authorities and the accompanying Urban Design Manual, it is considered that by reason of predominant suburban layout, poor disposition and integration of public realm areas within the residential scheme and the proposed interface of the development with Dublin Road, the proposed development would fail to provide an appropriate urban design solution and would militate against the creation of an attractive residential environment. The proposed layout does not, in any meaningful way, establish a sense of place, provide good quality public realm

or identify how the development would integrate or connect with surrounding lands into the future. It is, therefore, considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is policy IU 19 & IU 20 of the Louth County Development Plan 2021 – 2027 to ensure that the incorporation of Sustainable Urban Drainage Systems (SUDS) measures in all developments is mandatory and to ensure that all discharges shall be attenuated to green field levels whereby both flow rate and volume of discharge of runoff from developments to receiving waters shall mimic in so far as possible pre- development levels. The applicants have failed to demonstrate that adequate consideration has been given to utilisation of infiltration through the bases of the Filter Drains, Permeable Paving Areas and Attenuation Tank as an additional surface water disposal method and has failed to undertake soil permeability testing to determine the feasibility of utilising infiltration. There is insufficient detail submitted confirming that there is provision of adequate loading capacity of the proposed Surface Water Attenuation Structure, which is certified by a Competent Independent Structural Engineer. Accordingly the proposed surface water design is inadequately detailed and would be contrary to Policy IU 19 which requires that all development proposals are accompanied by a comprehensive SuDS assessment and thus would be contrary to the proper planning and sustainable development of the area and, in the absence of these details, may seriously injure the amenities of the area and of property in the vicinity.
3. On the basis of the information provided with the application, and having regard to the proposed mitigation measures contained within the Natura Impact Statement and given the absence of a Construction Management Plan and an adequately designed surface water disposal system, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC and Dundalk Bay SPA, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.

4.1.2. **85/13:** Planning permission granted by the Planning Authority for the retention of an advertising sign.

4.1.3. **77/773:** Outline permission refused by the Planning Authority for the development on site of 4 no. dwellings.

## **4.2. Site Surrounds.**

4.2.1. There a history of planning applications on sites within the surrounding area along either side of the R132 and largely relate to small scale residential extensions.

## **5.0 Policy and Context**

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

5.1.1. The Louth County Development Plan, 2021-2027 (CDP) is the operative plan for the purposes of the appeal determination. The appeal site is located within an area zoned 'A1' (Existing Residential), the objective of which is 'To protect and enhance the amenity and character of existing residential communities'. This zoning objective applies to all lands within the immediate surrounds of the appeal site, on either side of the R132 (Dublin Road).

5.1.2. Relevant Strategic Settlement Strategy Policy Objectives (2.14.8) for Dundalk include:

- SS 22 To support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.
- SS 25 To manage the growth of Dundalk in a manner that will achieve the creation of a compact settlement with attractive and inclusive neighbourhoods where there is a choice of affordable homes for all.

5.1.3. The core strategy of the Plan includes an objective to achieve compact growth, to support proposals to develop buildings of height on suitably located sites and to deliver high quality residential development; and that at a minimum 30% of new homes will be provided within the built up footprint of the urban area.

5.1.4. In relation to higher densities, the plan states that when identifying the potential density

of a site, consideration must be given to the surrounding context and how the development would relate to the existing built form and character of its location. One of the key elements of making a high density development an attractive place to live, is in the quality of the internal design such as the amount of daylight the accommodation receives and the external space on which the building(s) is located i.e. the quality of the public realm. The quality of the open space is also a critical aspect. Whilst it is an objective of the Plan to support higher densities, this will take account of the capacity of the lands to accommodate this type of development, the location of the lands and public transport accessibility. The primary considerations will be the quality of the residential environment that will be created. Recommended minimum densities in the Regional Growth Centres, Dundalk and Drogheda (Edge of Settlement are 35 units per ha).

#### 5.1.5. Buildings of Height:

- Location: Higher buildings will normally be located in central areas of towns close to public transport, in strategic locations at the entrance to towns or on strategic lands on the approach road to the town centre. The local area shall have the social and physical infrastructure to accommodate the increased levels of activity.
- Strengthened Legibility: Higher buildings shall be a positive landmark in the streetscape and shall respect and respond to the character of the area.
- Strengthen the Sense of Place: Higher buildings have an important role in shaping the perceptions of an area. If they are poorly designed or located in the wrong area they can create a negative image for an area.
- Promote Quality Design: Higher buildings must make a positive and lasting contribution to their location.

#### 5.1.6. Relevant objectives of the Plan include:

- HOU 12 To support the implementation of the Policy Statement 'Housing Options for Our Ageing Population' and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of 'rightsizing' within their community at locations that are proximate to existing

services and amenities including pedestrian paths, local shops, parks and public transport.

- HOU 15 To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.
- HOU 17 To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.
- HOU 18 To develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas and promote new compact mixed-use urban and rural villages served by public transport and green infrastructure
- HOU 20 To require a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated Design Manual, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.
- HOU 22 To require residential developments to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.
- HOU 23 To require the layout of residential developments to take account of the Design Manual for Urban Roads and Streets (2019) in the provision of pedestrian and cycling infrastructure and crossing points and the design of estate roads and junctions
- HOU 24 To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.
- HOU 25 All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of the Plan.
- HOU 26 To require the provision of an appropriate mix of house types and sizes

in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

- HOU 28 To encourage innovation in design that delivers buildings of a high quality that positively contribute to the built environment and local streetscape.
- HOU 29 To seek that all new residential developments in excess of 20 residential units provide for a minimum of 30% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the Centre for Excellence in Universal Design.
- HOU 30 To encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice.
- HOU 32 To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.
- HOU 33 To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area
- BHC 6 To ensure any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a Zone of Archaeological Potential (including formerly walled towns) shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required.

5.1.7. In terms of Chapter 8 (Natural Heritage, Biodiversity and Green Infrastructure), the following policy objectives are noted:

- NBG 3 To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.
- NBG 4 To ensure that all proposed developments comply with the requirements set out in the DECLG 'Appropriate Assessment of Plans and Projects in Ireland



– Guidance for Planning Authorities 2010’.

- NBG 6 To ensure a screening for Appropriate Assessment (AA) on all plans and/or projects and/or Stage 2 Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate, is undertaken to make a determination. European Sites located outside of the County but within 15km of the proposed development site shall be included in such screenings as should those to which there are pathways, for example, hydrological links for potential effects.

5.1.8. Chapter 13 contains development standards and includes (at 13.8.10) under the heading Daylight and Sunlight, that care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.

5.1.9. Referring to the Building Research Establishment (BRE) guidelines ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ - provide useful guidance, it also states that per section 6.7 of the ‘Apartment Guidelines’ where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.

5.1.10. Under the heading ‘Residential Amenity’ (13.8.9.1) Privacy - Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms

such as bathrooms, stairwells or landings. There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis. Where the front elevation of new properties in urban locations are close to or abut the public footpath, consideration shall be given to providing some form of buffer such as a planting strip between the property and the footpath where this is feasible.

5.1.11. Schemes in excess of 25 units shall endeavour to provide an appropriate mix of residential accommodation.

5.1.12. Public open space within a development shall normally equate to 15% of the total site area. In developments where the standard of the open space is of a high quality due to its location, functionality, and any additional detailing proposed e.g. paving, landscaping, or surfaced play areas and equipment, a reduced rate of open space may be acceptable. Such a reduction will be assessed on a case-by-case basis.

5.1.13. A secure and conveniently located cycle parking area shall be provided in apartment developments. This cycle parking area shall be covered.

5.1.14. Table 13.11 (Car Parking Standards) set outs that the car parking required - 1 space per apartment in Area 2 while a maximum standard of 1.5 spaces applies to residential dwellings (included duplex units). A reduction in the car parking requirement may be acceptable where the Planning Authority is satisfied that:

- There is sufficient parking available in the vicinity of the development to cater for any shortfall;
- The nature of the development is such that existing parking spaces in the vicinity could facilitate the dual use of parking spaces, particularly if the development operated at off-peak times. Supporting documentation will be required demonstrating how the dual use will work;
- The public transport links available would reduce the demand for car parking;
- The central location of the development is such that the

customers/residents/users of the development would be likely to walk or cycle;  
and

- There was no off street car parking provided with the existing/previous use of the property and the redevelopment of the property would not result in a significant increase in the car parking requirement.

5.1.15. Cycle parking Table 13.12 - Apartment, Flat , Sheltered Housing - Minimum of 1 cycle space per bedroom, for Studio units at least 1 cycle space; and 1 space per 2 units visitor parking. For dwellings, a standard of 1 no. space per unit applies with 1 no. visitor space required per 5 no. units.

## **5.2. Draft Dundalk Local Area Plan, 2024-2030**

5.2.1. I note that the Draft LAP and its accompanying reports are on public display from Wednesday 17<sup>th</sup> July 2024 to Tuesday 10<sup>th</sup> September 2024 (inclusive). Under the Draft LAP, the appeal site is zoned 'A1' (Existing Residential). It is also noted that the site is located outside the boundary of the Mullagharlin Masterplan area.

## **5.3. Section 28 Ministerial Guidelines.**

5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2022) (the 'Apartment Guidelines')
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines')
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Climate Action Plan (CAP) 2024

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

5.4.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

#### **5.5. 'Housing for All - a New Housing Plan for Ireland (September 2021)'.**

5.5.1. is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan

which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

## **5.6. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).**

- 5.6.1. The primary statutory objective of the RSES is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas.

## **5.7. Natural Heritage Designations**

- 5.7.1. The nearest designated sites are the Dundalk Bay Special Protection Area (Site Code: 004026) and the Dundalk Bay Special Area of Conservation (Site Code: 000455) which are located c. 1.8km to east of the appeal site.

## **5.8. EIA Screening**

- 5.8.1. 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**

- 6.1.1. Two (2) no. Third Party planning appeals have been submitted in relation to the subject proposal from the following parties.
1. Brian McElarney.

2. Helen O'Connell.

**Brian McElarney**

6.1.2. The appellant has an address at Haggardstown, Dundalk, Co. Louth. The matters raised in their appeal can be summarised as follows:

- The appellant contends that the Planning Authority had taken the decision to grant permission prior to the date for the final submission. The appellant goes on to note that the Planning Authority's decision appears to have been taken on Ref. 22/230 which is a different layout & design to that submitted under 22/1000 submitted. It is stated that no planning recommendations from staff on 22/1000 were sought or obtained as required.
- The appellant notes that the 19 no. conditions attached to the permission pertain only to the building of the estate itself.
- It is contended that no submitted observations were into account by the Planning Authority.
- The appellant notes that the provision of a bus stop which is required on this site was ignored by the Planning Authority.
- Noise related impacts to the future occupants of Block Nos. 1 & 10 given their adopted building line and their proximity to the R132.
- The Planning Authority have not addressed concerns of residents in relation to the raising of ground levels and the site being a dumping ground. The question is asked whether the ground levels will be reinstated to reduce the possibility of flooding into neighbouring gardens.
- Overlooking concerns raised with respect to Block Nos. 2 & 3 and the potential for overshadowing and loss of light.
- The appellant highlights that there is no clear undertaking to prevent dumping in the space between the current boundary on the northern & southern sides of the proposed development.
- The appellant highlights that the proposal to place thermoplastic markings on the R132 outside the development clearly infringes the constitutional rights of the residents off site, meaning they will have to contravene the Road Traffic Act by entering these markings to access their own homes depending on which direction they are coming from.

- It is contended that a design defect of Block No. 1 allows small children to access the R132 from their front gardens which has a posted speed limit of 80kmph.
- Included with the appeal are a number of annotated drawings.

***Helen O'Connell.***

- 6.1.3. An appeal submission has been prepared and submitted on behalf of Helen O'Connell who resides within the property to the immediate north of the appeal site. The grounds of appeal are summarised under the following headings.

*Principle of Development*

- 6.1.4. It is stated that the proposed development fails to comply with the zoning objective (A1) by directly and adversely affecting and diminishing the Appellant's long established residential amenity. It is submitted that the proposed design and layout has given little, if any consideration, to protecting the Appellant's amenities and that the County Council's assessment of Ref. 22/1000 was similarly deficient in failing to give a balanced consideration of the impacts. In failing to protect the Appellant's residential amenities, it is contended that the proposed development is contrary to the principal planning objective of the site's A1- Existing Residential zoning and should be refused.

*Adverse Impact on Residential Amenity*

- 6.1.5. It is contended that the proposed development will cause undue harm and diminution of the Appellant's long established residential amenities from overlooking and loss of privacy, overbearing, overshadowing and loss of natural daylight and direct sunlight, noise, dust and general disturbances arising from construction activities occurring in such proximity to her home.
- 6.1.6. In terms of overlooking, it is highlighted that the extent of overlooking of her rear elevational windows and garden from 11 no. new dwellings (Units 05 to 16), which are located only c. 11m from the shared boundary wall cannot be dismissed as incidental or marginal. It is highlighted that the fact that proposed Units 01 and 02 would be at an angle to the Appellant's front (west facing) habitable windows does not diminish the

adverse impact on privacy. It is noted that the proposed 2m high boundary wall will not obscure the development proposal nor mitigate against the extent of overlooking that will occur. It is also noted that impacts are exacerbated by the historic increase in the appeal site's original grounds levels and the proposed increase in ground levels in the northernmost corner of the site. Site Section 1-1 (Drawing No. 2020-PA-007 Rev. A) indicates the variation in height levels between the sites. The submission notes that the position, orientation, proximity, height and number of overlooking windows is excessive and highly detrimental to the protection and preservation of the Appellant's privacy.

- 6.1.7. In terms of visual impact and overbearance, it is noted that the prevailing grain of residential development in the area are detached dwellings within varied and sizeable curtilages. With the exception of a few two storey dwellings, this section of the Dublin Road is dominated by single storey and dormer dwellings. The proposed development would introduce three storey dwellings that would be physically dominant and visually incongruent with the prevailing density and pattern of development in the immediate area. The submission highlights the detrimental overbearing impact of Block Nos. 1, 2 and 3 on the Appellant's residential amenities. From the Appellant's rear facing windows and rear garden, the proposed development will present a near continuous two and three storey structure located c. 11m away from the existing shared boundary wall and hedge. The submission notes that the overbearing effects of Block Nos. 1, 2 & 3 will be exacerbated by the fact each terrace will be constructed upon higher ground than the Appellant's dwelling and front and rear gardens. It is highlighted that the development fails to comply with the policy requirements of the current Plan and the Urban Design Manual (2009) and should therefore be refused permission.
- 6.1.8. Under the heading of 'overshadowing', the appellant notes that the proposed development will result in the loss of direct sunlight and ambient/natural daylight to the Appellant's home and property. In the morning, the Appellant's home and rear garden is flooded with natural light. The front habitable rooms and garden benefit from the sunlight from noon to dusk. It is contented that the construction of Blocks Nos. 2 & 3 would effectively block out the southern skyline, dramatically reducing the natural/ambient daylight and direct sunlight to the Appellant's property. In addition, the



construction of Block 1, sited forward of the established building line would create a substantial block in the natural/ambient daylight and direct sunlight to the Appellant's front garden and interior living spaces and it is argued that shadow projection diagrams of the proposed development should have accompanied the application.

6.1.9. Concerns have been raised with respect to the proposed northern boundary treatment which will have an abuttal with the appellant's property. It is highlighted that the wall will be constructed on elevated ground from the Appellant's property resulting in the proposed new wall sitting higher than 2m when viewed from the Appellant's side. In addition, no consideration has been given to its potential impact upon the appellant's hedges and root systems and, consequentially, their long term viability. The proposed new wall running the entire 102.5m length of the appeal site's northern boundary will require a substantial foundation that, if excavated will potentially damage the hedges' root systems. Concerns have also been raised in terms of the proposals impact on natural heritage and habitats given its potential impact on the ongoing viability of the adjoining hedgerow.

6.1.10. The submission highlights that no consideration has been given as to how the construction of any or all of these elements of the proposal will minimise adverse impacts upon air quality, noise and lighting and it is contended that the application should have been accompanied by a Construction and Waste Management Plan that set out the proposed hours of construction, the means of minimising construction related noises, tonal vibrations, litter, dust, dirt tracked onto the Dublin Road and potential light pollution. It is suggested that a CWMP should be circulated to the appellant for comment and it is noted that the conditioned hours of construction are not conducive to preserving the appellant's peace and quiet.

#### *Devaluation of Property*

6.1.11. The submission highlights the Appellant places great value on the physical and visual amenity that both the front and rear gardens provide to her quality of life and living environment. It is contended that the proposed development however will fundamentally change these circumstances through the irrevocable diminution and loss of amenity from overlooking and loss of privacy, overbearing, overshadowing and

loss of daylight and sunlight. The submission notes that the value of any property and its marketability is derived from its physical setting, surroundings, existing amenities and the reasonable expectation that such amenities may be continuously enjoyed without undue negative impact, diminution or loss.

#### *Appropriate Assessment*

- 6.1.12. The submission contends that the NIS fails to establish why other European sites would not be potentially affected by the development despite a hydrological connection existing. It is submitted by the appellant that the proposed development has the potential to affect a greater number of European sites than what has been considered in the submitted NIS and as such, the report does not provide a complete or reliable assessment of potential significant effects. It is also highlighted that the NIS has failed to reference any existing development plans or extant grant of planning permissions within the immediate area of the appeal site with a number of a planning reference cases provided. It is stated that the Planning Authority's reliance upon the findings of a deficient and non-compliant NIS undermines their subsequent conclusion that the proposed development does not pose a significant impact/threat to nearby European sites. To provide a revised / updated NIS in response to this appeal would be retroactively self-serving and inappropriate. In this respect, it is contended that the proposed development is contrary to the provisions and requirements of Policy Objectives NBG 3, NBG 4, NBG 5, NBG 6 and NBG 7 (see policy quoted within Appendix 2 of appeal submission) and should therefore be refused.

#### *Traffic Impact & Public Safety*

- 6.1.13. It is argued that the levels of traffic were substantially reduced from normal levels as the traffic flow counts taken as part of the Applicant's Traffic Impact Assessment (TIA) were undertaken in June 2022 when DKIT and the surrounding primary and secondary schools were closed. Therefore, this did not present a truly representative picture of the proposed development's impact upon the surrounding road network and existing traffic flows and patterns. It is stated that the assessment ignores the cumulative effect of the extensive residential and commercial development along the Dublin Road and numerous development proposals that have been recently granted.

- 6.1.14. The appellant refers to Section 3.3 (page 20) of the TII Guidelines (2014) which recommends a full assessment of the construction phase to be included in an assessment, detailing the levels of construction traffic generated and the routes likely to be subject to construction traffic impacts. The appellant asserts that the absence of this information is a serious deficiency in the reliability of the overall report and its subsequent conclusions. Furthermore, it is noted that the Applicant's TIA does not provide an estimated volume of resulting domestic, delivery and service vehicles that may be expected on an average daily basis. Instead, the TIA cites abstract trip generation and distribution data which is difficult to comprehend and therefore meaningless as a means of explaining their subsequent conclusion that the proposal will not negatively affect the current or future traffic flow rates along the Dublin Road.
- 6.1.15. The submission also notes that proposed development makes no provision for changes to the layout of the Dublin Road to allow for north-bound vehicles wishing to enter the appeal site to stop without interfering with the existing flow of north-bound traffic. It is contended that the lack of a central turning lane in the Dublin Road, which is a heavily trafficked could lead to persistent congestion and hazards to the safety of other vehicles and cyclists as traffic queues up to allow for a north-bound vehicle to turn into the appeal site.
- 6.1.16. Included as appendices to the appeal are the appellant's original observation to the application (Appendix 1), quoted planning policy objectives from the current Plan (2021-2027), excerpt from the Mullagharlin Framework Plan 2008 (Appendix 3) and correspondence from RE/MAX Properties contending that the proposed development if completed will substantially devalue the appellant's property.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority confirms its decision and requests the Board to uphold the decision to refuse permission. The following additional commentary was provided:
- The Planning Authority is satisfied that the decision undertaken was carried out in accordance with the statutory timelines as set out in the Planning & Development Regulations 2001 (as amended).
  - All submissions were considered and assessed by the Planning Authority in

the making of the planning decision on this file.

- The 19 conditions attached to the grant of permission deal with the entire development as proposed and permitted.
- The provision of a bus stop was not considered appropriate at this location and there are existing bus stops at DKIT and at Sextons pub in close proximity. In any event, the Applicant has no control over the location of future bus stops as they will be located on lands outside their control or ownership.
- The revisions of the application layout and design of units addressed matters in respect of overlooking and it is considered the revised design and layout will result in minimal loss of privacy to adjoining properties.
- Block 1 creates a new edge to Dublin Road and should be viewed as such. There is adequate surveillance from ground floor windows to overlook the access points to the front of this block and ensure that these areas are under adequate supervision and surveillance.
- Landscape plans and designs have been conditioned. A landscape architect is to be retained during the landscaping works on site for both the soft and hard landscaping.
- The Appropriate assessment has assessed all the flora and fauna on the subject site.
- The construction impacts necessitated the preparation of a Stage 2 NIS and a construction method statement was attached as a mitigation measure as per condition no. 3 of the planning decision.

### **6.3. Observations**

6.3.1. None.

### **6.4. First Party Response**

6.4.1. A detailed response to the 2 no. Third Party appeals has been prepared and submitted on behalf of the Applicant. The response provides a description of the site and surrounds, a review of the site's planning history and how the current proposal has overcome the previous reasons for refusal and addressed concerns raised within the Planning Authority's assessment of same. The response then provides an analysis of the Planning Authority's decision on the current application and the reports on file from

the Planning Authority's Infrastructure Section.

6.4.2. The submission sets out how the proposed development is in compliance with National Planning Policy and a detailed analysis of the development is provided against the policy provisions of the current County Development Plan. In addition, an analysis of the proposal against the relevant Section 28 Guidelines is provided, including:

- Sustainable and Compact Settlements - Draft Guidelines for Planning Authorities (August 2023)
- Sustainable Urban Housing - Design Standards for New Apartments (2023)
- Urban Development and Buildings Heights - Guidelines for Planning Authorities (December 2018).
- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009.
- Childcare Facilities - Guidelines for Planning Authorities (2001).

6.4.3. Section 8 of the Applicant's submission provides a response to the various issues raised within the 2 no. Third Party appeals. The various issues raised by the appellants are summarised in Table 6.1 below and elaborated on in further detail in Section 7 of this report:

**Table 6.1**

<b>Helen O'Connell</b>	<b>Brian McElarney</b>
Overlooking.	R132 Road Markings
Overbearing Impact and Overshadowing.	Public Transport
Physically dominant and visually incongruent.	Principle of Development and Design related Grounds
Construction Phase - Impact on Residential Amenities.	Site Levels and Illegal Dumping
Landscape Plan and Biodiversity.	Noise Impact to Block 1
Traffic Impact and public safety.	Administrative Issues.
Appropriate Assessment and Natural Impact Statement	Traffic Assessment.
Contrary to Zoning Objective	
Devaluation of property.	

6.4.4. Included as appendices to the Applicant's response are:

- Appendix A - Louth County Development Plan 2021-2027 Policy Objectives,
- Appendix B Urban Design Manual - 12 Principles,
- Appendix C Sustainable and Compact Settlement Guidelines - Design Checklist,
- Appendix D Social Infrastructure Audit,
- Appendix E Schedule of Accommodation, and,
- Appendix F Draft Construction Management Plan.

## **6.5. Further Responses**

None.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development & Density
- Residential Amenity
- Layout, Design & Visual Impact
- Access, Parking & Drainage
- Landscaping & Boundary Treatments
- Other Matters
- Appropriate Assessment

### **7.1. Principle of Development & Density**

7.1.1. The proposed development seeks planning consent for the development of a residential scheme on the subject site which comprises a combination of semi-detached and terraced houses and apartments contained within a number of 3 no. storey blocks. The appeal site is located on the eastern side of the R132 (Dublin Road) on residential zoned lands (A1 Existing Residential) within the settlement boundary of Dundalk. The objective of the relevant zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. The

guidance for the zoning also notes that infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. I note that a 'residential' use is identified as being generally permitted under the current zoning. Section 13.21.2.1 of the current Plan notes that a 'Generally Permitted Use' are considered to be generally acceptable, subject to the normal planning considerations (such as design, scale, density, layout, noise, odour, residential amenity, traffic generation, and service arrangements), compliance with the relevant policy objectives and standards set out under this Plan and any relevant ministerial guidance.

- 7.1.2. In terms of achieving 'Compact Growth', Section 2.6.4 of the current Plan identifies that an overriding objective of both the NPF and the RSES is the need to achieve ambitious targets for compact growth in urban areas. The policy highlights that Louth is required to deliver at least 30% of all new homes within existing built up footprints (NPO 3c) and achieving this target can be realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales and transition to a low carbon, climate resilient society. Following on from this, Policy Objective CS 2 of the current Plan acknowledges that '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'. Having regard to the characteristics of the site and pattern of development in the surrounding area, the zoning objective that applies to the lands and the nature of this infill development on what is evidently a large, underutilised, brownfield site, I am satisfied that the principle of development is acceptable at this location and is in accordance with local, regional and national policy objectives that seek to secure and deliver compact growth at appropriate locations. However, the issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration its design and layout, the impact on the amenities of adjoining residents, access, landscaping and the sustainable planning and development of the area, all of which are matters which require detailed consideration given the zoning objective seeks to

conserve and enhance the quality and character of established residential communities and protect their amenities.

7.1.3. In terms of the density of development being proposed, the Planning Authority in their initial assessment of the application was satisfied that the density proposed (i.e. 37 units per ha.) was appropriate having regard to the urban location of the site along a public transport route into Dundalk and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). They also noted that the site was serviced and situated within close proximity of the DkIT, Louth County Hospital, major Industrial employment areas and close to M1 motorway interchange. Following revisions to the design of the development at further information stage, the overall density of development was reduced slightly, as 2 no. apartments were omitted from the scheme. I note that the Planning Authority was satisfied that the reduction in density was acceptable in order to address surface water attenuation on site.

7.1.4. Since the Planning Authority's decision to grant permission, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (referred to herein as Compact Settlement Guidelines) have been adopted and now supersede the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. The appeal site would fall within what could be described as a suburban area of a Regional Growth Centre, as per Table 3.4 (Areas and Density Ranges – Regional Growth Centres) of the Compact Settlement Guidelines. Table 3.4 notes that suburban areas are the low density car-orientated residential areas constructed at the edge of the town and it is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations. Whilst I acknowledge that the immediate surrounds of the site are typically characterised by single dwellings set on larger sized plots, I am satisfied that the density of development in this instance is compliant with local through to national policy and will result in a more efficient and sustainable use of a zoned and serviced site at location within the settlement boundary of this Regional Growth Centre.

## **7.2. Residential Amenity**



- 7.2.1. A Third Party appellant resides in the property to the immediate north of the appeal site and significant concerns have been raised within their appeal and their observations to the application with respect to the impact of the proposed development on their residential amenity. This existing bungalow has an 'L' shape with a single storey projection to the rear. The dwelling is served by a large landscaped rear garden which has a direct abuttal with the northern boundary of the appeal site. The appellant has highlighted that the development will result in direct overlooking of their windows and rear amenity space from the first and second floor level windows of the dwellings within Block Nos. 1, 2 and 3. This is due to the proximity of the dwellings to the shared boundary and the orientation of the proposed dwellings. It is also highlighted that overlooking from the development would be exacerbated due to the variation in site levels.
- 7.2.2. In terms of the policy of the current Plan, Section 13.8.9.1 (Privacy) notes that residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area. It states that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. The policy goes on to note that separation distances below 16m 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. The rear façade of Block No. 1 is positioned c. 10m forward of the front building line of the appellant's property. The block comprises a terrace of 4 no. two and three storey dwellings. The terrace is bookended by House Nos. 1 & 4 which are gable fronted 3 no. storey dwellings. The upper floor level of House Nos. 1 & 4 has been contained within the pitched roof of the dwelling, with a slight increase in the height of the eaves and roof ridge. These dwellings will effectively read as having a double storey height when viewed from their rear. I note that no windows are proposed on the northern elevation of House No. 1. Given the orientation of this dwelling relative to the appellant's property, I am satisfied that undue overlooking will not arise. A condition should be included which requires the glazing within the first floor level bathrooms of House Nos. 1-4 to be manufactured opaque and permanently

maintained.

7.2.3. Block Nos. 2 & 3 comprise a terrace of 6 and 5 no. dwellings respectively. Each dwelling has a southern orientation, and their rear amenity spaces will have a direct abuttal with the shared northern site boundary. As is the case with Block No. 1, each terrace is bookended by a three storey dwelling which generally reads as two storeys when viewed from the rear (i.e. from the amenity space of the appellant). I note that each rear garden has a minimum depth of c. 11m. Whilst it is the Applicant's contention that the appellant's property is adequately protected from any potential overlooking, the project architect has prepared an alternative design for Block No. 2 as part of their response to the appeal (Drawing Nos. 2020-PA-600 & 2020-PA-BLK2-10). This has been done to alleviate the concerns of the appellant and the alternative design has now introduced angled windows to the first floor level bedrooms on the northern facade of Block No. 2. It is stated that this will serve to further protect the residential amenities of the appellant by adding acute angles to the windows. In addition, the Applicant has amended the internal layout of House No. 5, whereby the bedroom window has now been placed on the gable wall (western elevation) to remove this window from the northern elevation. Whilst I acknowledge that the Applicant has sought to address the appellant's concerns, I note that adequate separation distances have been provided from the adjoining properties in accordance with the policy requirements of the current Plan and it is my view that undue overlooking should not arise in this instance. Given the internal layout and position of the angled windows on the rear elevation, I am conscious that the amended design would result in direct overlooking of private amenity spaces within the development itself and would be an undesirable outcome for the future occupants. Whilst this could be mitigated if the bathrooms and bedrooms within the dwellings were rearranged, I note that this would require a full redesign given the position of the stairs within each of the dwellings. Overall, I am satisfied that the adequate separation distances have been provided and the proposed development will not unduly diminish the residential amenity of the adjoining property by reason of overlooking.

7.2.4. The appellant has also raised concerns with respect to the potential visual impact of the development when viewed from their dwelling and its private amenity space. The

appellant's submission notes that with the exception of a few two storey dwellings, this section of the Dublin Road is dominated by single storey and dormer style dwellings. It is contended that the introduction of three storey dwellings would be physically dominant and visually incongruent with the prevailing density and pattern of development in the immediate surrounds. The submission notes that Block Nos. 1, 2 and 3 would have a detrimental impact on the residential amenity of the appellant's home by reason of being visually overbearing due to the overall scale of the buildings and their proximity to the common boundary, the effect of which will be exacerbated due to the variation in site levels.

- 7.2.5. As noted, Block No. 1 is set forward of the appellant's property and fronts onto the R132. On its northern side, House No. 1 has a total depth of c. 10.9m and a maximum height of c. 10.8m. I note that a set back of c. 1.5m is provided from the northern site boundary and the building is positioned adjacent to the front garden of the appellant's property. Block Nos. 2 & 3 are located to the south of the appellant's home and their private amenity space. The blocks have total lengths of c. 34m (Block No. 2) and c. 28m (Block No. 3) respectively, with each block having heights that range between c. 10m and c. 10.8m. I note that each block provides a minimum setback of c. 11m from the northern site boundary. In their response to the appeal, the Applicant notes that the houses within Block Nos. 2 & 3 appear as two storey to the rear to reduce any perceived overbearing by the existing residents. In addition, it is stated that the boundary treatments shall protect privacy of both the existing and future residents. Having regard to the overall scale, height and form of Block Nos. 2 & 3, the setbacks provided from the northern site boundary and the design of the dwellings, whereby they will typically read as two storey dwellings when viewed from the north, I am fully satisfied that the proposed development will not unduly compromise the residential amenity of the property to the north by reason of being visually overbearing. I have also had regard to the updated section diagrams (Drawing No. 2020-PA-005) that were submitted in the Applicant's response to the appeal which illustrate the nominal variation in ground levels between the two sites (i.e. c. 250mm). In terms of Block No. 1, I acknowledge that the dwellings within this block are positioned adjacent to the appellant's front garden and is therefore a less sensitive interface. Notwithstanding the revisions to the design of this block at further information stage, I have some concerns

with respect to the visual impact of this block on the streetscape given the degree by which it extends beyond the front building line of the appellant's property and the design of form of this block. I am satisfied that this matter can be addressed by way of condition and I will discuss this matter in further detail in Section 7.3 of this report.

7.2.6. It is the appellant's contention that the proposed development would block out the southern skyline and reduce daylight and sunlight to her property which is contrary to Section 13.8.10 of the current Plan. In addition, it is suggested that the reduction in light could adversely affect the viability of the front garden and concerns have been raised that the application was not supported by a sunlight/daylight study in order to determine the potential impact of the proposed development. Section 13.8.10 of the current Plan notes that care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The policy notes that the European Daylighting Standard is set out in EN17037:2018. In addition, the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) are referred to. The policy goes on to note that these publications and any relevant future standards or guidance specific to the Irish context shall be utilised in ensuring the recommended standards of daylighting in new developments are provided. I note that Section 5.3.7 (Daylight) of the Compact Settlement Guidelines highlights the importance of safeguarding against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The policy highlights that Planning Authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and Planning Authorities may apply a level of discretion in this regard.

7.2.7. In the case of Block Nos. 2 & 3, undue impacts in terms of overshadowing or loss of daylight/sunlight are unlikely to arise due to the adequate separation distances provided from the northern site boundary and the overall scale, height and form of the proposed dwellings. I am therefore satisfied that the submission of daylight/sunlight assessment was not necessary in the case of the subject proposal. Whilst I am

satisfied that the Applicant's front garden is a less sensitive receptor, I note that a reduced setback is provided from this boundary (i.e. c. 1.5m). As I will discuss further in Section 7.3 of this report, I have some concerns regarding the design of this block and its visual prominence within the streetscape context. I have suggested amendments to the design of this block which will further reduce overshadowing of the appellant's front garden. Whilst I accept that a degree of overshadowing of the front amenity space will arise due to the orientation the site and the positioning of Block No. 1, I note that the Planning Authority was satisfied that the development provides a strong edge and would facilitate a high quality street edge to this infill scheme. Overall, I am satisfied that an appropriate balance has been struck in terms of providing a high quality design and also safeguarding the amenity of the appellant's property, noting its generously sized rear amenity space.

- 7.2.8. It is the appellant's view that potential impacts associated with the construction phase of the development were not given proper or serious consideration by the Planning Authority within their assessment. It is contended that the application should have been accompanied by a Construction and Waste Management Plan that set out the proposed hours of construction, the means of minimising construction related noises, tonal vibrations, litter, dust, dirt tracked onto the Dublin Road and potential light pollution and the Planning Authority was wrong in not seeking such a standard document for a development of this scale and nature. Whilst I note that a document of this nature did not accompany the application, the Applicant in their response to the appeal has indicated that they would be happy to accept a condition which requires the submission of a Construction Management Plan (CMP) prior to the commencement of development and a preliminary CMP has been included within Appendix F of their response. This document deals with soil & groundwater protection, surface water, dust mitigation measures, noise mitigation measures, lighting and waste management. Given the scale of development proposed and its location relative to existing residents, it is my view that a condition should be included which requires the submission of a detailed CMP prior to the commencement of development. This document shall be adhered to during construction and shall provide details of the intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition

waste. This is of particular relevance given concerns have been raised regarding the historical use of the site as a dumping ground. In addition, a condition should be included which stipulates that site development and building works shall be carried out between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays.

7.2.9. In terms of the amenity of the proposed dwellings, the internal floor areas range in size from c. 92sq.m. for the 2 no. bedroom houses, between c. 103sq.m. to 130sq.m. for the 3 no. bedroom houses and 160sq.m. for the 4 no. bedroom houses. All floor areas are therefore in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government) and the provisions of the current Plan. The internal layout of the dwellings are well proportioned, with the either ground floor living/dining rooms or kitchens having direct access to the principal amenity space. Each dwelling is served by dedicated private amenity spaces in the form of rear gardens that have floor areas that range from c. 58sq.m. – c. 164sq.m. and which all typically exceed the relevant development management standards as set out in Table 13.4 (Private Open Space Requirements) of the current Plan. The exception to this is House No. 4 which has a rear open space measuring c. 38sq.m. (minimum of 40sq.m. as per Table 13.4). However, a relaxation is deemed acceptable in this instance given that the dwelling is served by a large front garden. In this regard, I am satisfied that the development is designed to a high standard and will generally afford a good standard of amenity to its future occupants.

7.2.10. In the case of the apartments within the development, the 1 and 2 no. bedroom apartments (Type A2) have floor areas of c. 52sq.m. and c. 99sq.m. respectively. The 3 bed duplex apartments are generously sized and range between c. 100sq.m. and 127sq.m. Having examined the plans and particulars, it is evident that the apartments within the proposed development are in compliance with the relevant Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines in terms of housing mix (SPPR 1 & 2), minimum floor areas (SPPR 3), dual aspect (SPPR 4) and floor to ceiling heights (SPPR 5). In addition, the proposal meets the minimum recommended standards with respect to internal storage and private amenity space. Overall, I am

satisfied the apartments within the proposed development and their respective terraces/balconies will afford a good standard of amenity to its future occupants and are therefore acceptable.

### **7.3. Layout, Design & Visual Impact**

- 7.3.1. As noted, the Applicant has sought to provide a strong street edge to the R132, whereby Block Nos. 1 & 10 are set forward of the property to the north and positioned on either side of the centrally located vehicular entrance and access road. I note that this is one of the key design changes from the previously refused development on the site (i.e. Ref. 22/230). In the previous applications, the dwellings within the development were substantially set back within the site so to match the front building line of the neighbouring dwellings (i.e. north and south). A public open space area is now centrally located within the site, with passive surveillance provided from the majority of the blocks within the development. Public open space totalling 1,660sq.m. is proposed as part of the development and therefore exceeds the minimum 10-15% prescribed under Section 13.8.15 (Public Open Space) of the current Plan. Potential future connection roads to the south and east have also been identified on the Site Layout Plan. I note that there is a swathe of 'C1 Mixed Use' zoned lands to the east of the appeal site, where there is a Spot Objective (11) 'To provide for a mixture of higher order business uses supported by cafes/restaurants, community facilities, office, health care, residential, and business units'. Overall, I am satisfied that the layout of the development has been carefully considered, where future permeability has been facilitated, and Block Nos. 1 & 10 now define the site to create a strong street edge. In addition, the public open space forms an integral part of its design and layout that will facilitate both active and passive recreation.
- 7.3.2. In terms of design, a contemporary architectural expression has been adopted. Vernacular features have also been incorporated throughout the scheme such as the use of pitched roofs on the houses and apartment blocks. A contemporary palette of exterior materials has also been proposed which include a mix of red brick and white render wall finish, grey PPC Aluminium windows and doors and blue/black roof slates and matching rainwater goods. In addition, the apartment buildings will feature a contemporary metal railing for the balconies. Concerns have been raised by the

appellants with respect to the scale, height and form of the development. Within the appellant's submission and in the observations to the application, concerns had been raised with respect to the overall scale of development which they contended was not in keeping with the character of the area and was at odds with the prevailing pattern of development within the surrounds. Whilst single and dormer style dwellings typically characterise the surrounding area, I note that there are examples of double storey dwellings to the south of the site, and I am fully satisfied that a development with a maximum height of three storeys is of a scale and form which can be readily absorbed at this location. In my view, the development generally provides an appropriate graduation in height and is a built form response for the site which accords with the policy contained within Section 13.8.6 (Building Heights) of the current Plan. As noted, the development has been designed to provide adequate separation distances from established residences to ensure that their residential amenity is maintained.

- 7.3.3. However, I have some concerns with respect to the Design of Block No. 1 as I have mentioned in Section 7.2 of this report. In order to create a strong urban edge, this block has been set forward of the property to the north, with a setback of c. 8.7m provided from the boundary with the R132. Notwithstanding the revisions to the design of this block at Further Information stage, the gable elevation and roof profile of this block will form a visually prominent feature within the streetscape context when travelling from the north. This impact is exacerbated to its exposure and the degree by which it projects beyond the building line that has been established to the north. In order to mitigate this impact, I recommend a condition which omits the second floor level bedroom within House Nos. 1 & 4 of Block No. 1. This will reduce the overall height of the block and its front gable projection and will have a similar profile to that proposed within Block Nos. 5 & 6. The incorporation of this design change will in my view provide a better transition in scale within the streetscape, whilst maintaining a clearly defined street edge.

#### **7.4. Access, Car Parking & Drainage**

##### *Access*

- 7.4.1. The appeal site is currently served by 3 no. vehicular entrances from the R132. It is proposed to close the existing entrances at the northern and southern end of the



roadside boundary and the site will be accessed via a centrally located access which is positioned between Block Nos. 1 & 10. The section of the R132 between the Old Golf Links Road (south) and Xerox junctions (north) is a single carriageway with a central 'ghost island' median zone. There is also a kerbed island in the central median zone along the site frontage to assist with pedestrian crossing and to prevent overtaking. There is also an on-road, red coloured mandatory cycle lane (defined by a solid white line) in each direction along this section of the R132. The Applicant's Traffic Impact Assessment (TIA) notes that the median zone is not compliant with the Traffic Signs Manual as it is coloured red and has a dashed white bounding line to each side. It is stated that this median zone currently facilitates an informal right turn waiting space for vehicles entering the various access points along both sides of the R132. As part of the Applicant's proposals, a right turn storage area (white thermoplastic painted road markings in accordance with the Traffic Signs Manual) is proposed for the central median zone of the R132 (see CBA Drawing No. 20034/C01). I note that it is proposed to retain the existing kerbed island. The internal access road serving the site is 5m wide with 2m footpaths. The Applicant notes that the internal road layout has designed to maintain a low-speed environment in keeping with the principles of DMURS. It is recommended within the TIA that 30km/h SLOW ZONE signage be installed at the site's access to warn motorists entering the development of the change in environment and reduced speed limit.

- 7.4.2. In terms of sightlines, the Planning Authority's Infrastructure Section recommended sightlines on the R132 of 215m in each direction from the proposed entrance at a setback of 4.5m from the road edge. However, the Applicant's TIA contended that this was inappropriate as the existing speed limit on the R132 at the site frontage is 80km/h. Therefore, the only applicable sightline that should be considered in an 80km/h zone is that given in the TII design standard DN-GEO-03060. As per Table 5.5 of TII design standard DN-GEO-03060, a road with a design speed of 85km/h requires a sightline ('y' distance) of 160m. A sightline assessment was undertaken by the Applicant's engineer which confirms that the maximum achievable sightline for a STOP control simple junction with a setback relaxation to 2.4m (as shown on CBA Drawing No. 20034/SK006) looking north is 224m and looking south is 228m. Within their assessment, the Planning Authority acknowledged that there are 60/80 kph

change speed limit signs located c. 35m to the north of the proposed entrance. In addition, there are overtaking constraints with traffic islands located in the centre of the public road. They were therefore satisfied that a 2.4m setback was appropriate and would provide adequate sightlines for the subject development. Having regard to the road's alignment and the posted speed limit that applies this section of the R132, the overtaking constraints, and the 'Design Speed' that was identified from the Applicant's Automatic Traffic Counter (ATC), I would concur with the recommendations of the Planning Authority and I am satisfied that adequate sightlines in each direction from the site entrance have been provided to allow safe access and egress from the site.

- 7.4.3. Within an appellant's submission, it is claimed that the proposed development makes no provision for changes to the road layout of the R132 to allow for north-bound vehicles wishing to enter the application site to stop without interfering with the existing flow of north-bound traffic. Notwithstanding this concern, I am satisfied that that revisions to the road layout, where a painted right turn storage area shall be provided within the central median zone will ensure that the north bound flow of traffic is not impeded by the proposed development. Another appellant has highlighted in their submission that the proposed road markings does not allow cars to enter existing houses along the western side of the R132 at this location. In response to the appeal, a revised drawing has been prepared by CBA (Drawing No. 20034/C01C) that removes any restrictions on turning movements into/out of the properties on the western side of the R132 opposite the proposed development. Overall, I am satisfied that the proposed development is acceptable, and the revised drawing now demonstrates that access to the properties to the west shall not be restricted by the scheme.
- 7.4.4. The appellants have raised concerns with respect to the adequacy of the Applicant's Traffic Counts taken as part of the submitted TIA. In addition, concerns were raised that the TIA was not robust as it failed to have regard to the cumulative impact of permitted developments in the surrounding area. As per Section 13.16.14 (Traffic and Transport Assessments (TTAs) of the current Plan, TTAs involve a comprehensive review of the potential transport impacts of a development on the existing transport

network. The policy of the current Plan requires the preparation of a TTA in accordance with the Traffic and Transport Assessment Guidelines 2014 (or any subsequent updated Guidelines), which set out the thresholds and sub-thresholds for the preparation of a TTA. In the case of residential developments, the threshold is that a TTA is recommended for developments in excess of 200 no. dwellings (i.e. as per Table 2.1 of the Traffic and Transport Assessment Guidelines 2014). Therefore, there was no obligation for the Applicant to prepare a TTA given the scale of the development proposed in this instance. I also note that the Planning Authority's Infrastructure Section have raised no concerns with respect to the adequacy of the Applicant's traffic surveys. Overall, I am satisfied that the information presented within the Applicant's TIA is robust and the development is in accordance with the relevant requirements of the current Plan.

- 7.4.5. It is contended within an appeal that there is a requirement for a bus stop at this location and this issue had been ignored by the Planning Authority during their assessment of the application. It is highlighted by the appellant that there are limited services available to the site and no public transport available locally, with the nearest bus stop being a 20-25 minute walk away. In response to the appeal, the Applicant notes that there is no policy within the current Plan to support a bus stop at this location. In addition, I note that the Planning Authority in their appeal response have indicated that the provision of a bus stop was not considered to be appropriate as there are existing bus stops at DKIT and at Sextons pub in close proximity. In addition, I would agree with the Planning Authority that the Applicant has no control over the location of future bus stops as they would be located on lands outside their control or ownership.

#### *Parking*

- 7.4.6. The Applicant's TIA notes that it is proposed to provide a total of 42 no. surface car parking spaces, including 2 no. disabled access spaces and 7 no. EV charging spaces. It is contended within the TIA that this is in accordance with the current Plan's requirements for residential developments of 1 space per apartment (36 spaces) and 2 spaces per house (6 spaces). It is unclear if this was an error in the TIA given the mix of dwellings proposed as part of this development. I note that only Block No. 1 is

provided within in-curtilage car parking, where spaces are provided within their rear amenity space. The remainder of the spaces comprise on-street parking and the allocation of car parking across the site remains unclear. I note that an additional 4 no. spaces were provided to the south of Block Nos. 2 & 3 following revisions to the layout of the development at further information stage (i.e. total of 47 no. spaces). This resulted in the removal of landscaping and a number of cycle parking spaces at this location. Given that on-street parking will serve the majority of both the houses and apartments within the development, it is my view that the Applicant should be required to submit a Car Parking Management Plan prior to the commencement of development in order to clearly demarcate the allocation of car parking spaces throughout the development. I am satisfied that this matter can be addressed by way of condition.

#### *Drainage*

- 7.4.7. In terms of foul, the Applicant is proposing to drain the foul effluent generated by the proposed development to the existing 300mm foul sewer that passes through the eastern portion of the site. This will require a new manhole to be constructed upon the existing sewer line called up as manhole 'F16' on CBA drawing 20034/C05A. The Applicant's consultant engineer notes that Irish Water intend to lay a new foul sewer within the lands directly adjacent to the east of the appeal site and to subsequently decommission/ partially decommission the existing 300mm diameter foul sewer which traverses the development site. In this regard, it is confirmed that the foul network for the proposed development has been designed to allow for a possible future connection to this new foul sewer by extension of the foul network eastwards from manhole F16, should the future alignment and invert levels allow.
- 7.4.8. In terms of surface water drainage, the proposal seeks to drain the surface water generated by the proposed development to the existing surface water ditch located immediately adjacent to the eastern boundary of the site. This surface water ditch /agricultural drain flows southward and is understood to ultimately discharge to Dundalk Bay (distance circa 2.3km) via a network of ditches and watercourses. It is confirmed by the Applicant's consultant engineer that the topography of the site falls from west to east at an average gradient of 1:80 or 1.25%, towards the existing surface water ditch.

- 7.4.9. As part of the development's SuDS proposals, it is intended to provide an independent surface water network for the proposed development that will discharge at a restricted Greenfield runoff rate, via a new concrete headwall, to the surface water ditch at the eastern boundary of the site. It is stated that the Greenfield runoff (Q-Bar) for the 1.04Ha site was calculated as 2.98l/s using the IH124 method and it is proposed to restrict the runoff from the site via a Hydrobrake flow control device. In addition, a Class 1 Full Retention Separator will be located immediately downstream of the Hydrobrake manhole to ensure that the first flush of each storm event is treated prior to discharge to the surface water ditch. The Applicant has also proposed to provide permeable paving within the parking areas of the development to allow for primary treatment of surface water runoff and additional runoff storage in these areas. An overflow/ discharge pipe will be provided within the permeable paved parking areas to allow for discharge of runoff to the development's surface water network. It is also intended to install filter drains within the public open spaces to convey run-off from the adjacent carriageways to the surface water network as a further SuDS measure. The filter drains will filter out suspended solids and hydrocarbons from the contributing first flush runoff from the adjacent roadways.
- 7.4.10. It is confirmed by the Applicant's engineer that infiltration testing was carried out on the site with 2 no. infiltration test pits being excavated to the depth of the proposed attenuation tank. It was noted that both test pits failed to evacuate to the depth required within eight hours and infiltration to the ground will only occur in the upper layer of soil within 700mm of ground level. As this is too shallow for any practical attenuation tank system, it is proposed to place the attenuation system within an impermeable membrane. The shallow permeable paving storage areas and filter drains have been designed with permeable liners to allow for infiltration of runoff to ground in the first instance, prior to discharge to the wider surface water network. It is confirmed that they have not included any reduction in volume of rainfall due to this infiltration in their calculations for the size of the attenuation tank. Overall, I am satisfied that the Applicant's proposals for the disposal of surface water on site are generally acceptable subject to compliance with the conditions as recommended by the Planning Authority.

## **7.5. Landscaping & Boundary Treatments**

- 7.5.1. As noted, the development is to be served by a central public open space area. Additional communal open space is provided to the west of Block No. 10 and a communal garden will serve Block No. 4. The Applicant's landscape architect has noted within their design rationale that the open space within the development was designed to create and cultivate a liveable, sustainable and aesthetic community that will provide for residents of all ages. In this regard, the dedicated area for landscape planning was defined by soft curved lines forming functional zonings, including open lawn, woodland planting areas, sports and play zones. It is stated that a combination of specimen tree planting has been used in the design to help promote biodiversity and to provide some screening of the proposed development whilst allowing light penetration to the open space. The primary open space benefits from passive surveillance, ease of access and sunlight penetration and provides for a formal lawn area with seating zones and informal play equipment. It is stated that a combination of wildflower meadow areas and ornamental planting beds surround this space and a small community garden is provided with the aim of encouraging and fostering a community spirit. In addition, it is stated that the mix of the native specimen, street and multi-stem trees with native Irish hedging will make a positive contribution to the wider ecology of the area.
- 7.5.2. As a measure to mitigate and reduce the potential visual impact of the development when viewed from the appellant's property to the north, the Applicant is proposing screen planting along the northern site boundary. In principle, this in my view is a positive design feature which will soften and filter views of the development when viewed from the adjoining property. The planting proposed along this boundary comprises 27 no. Holm Oak (*Quercus ilex*) screening trees. Within the appellant's submission, they refer to Section 13.8.12 of the current Plan which requires new development proposals to including landscaping consisting of native tree, hedgerow, shrub and wildflower species and low maintenance pollinator friendly perennials. Policy Objectives NBG 34 and NBG 40 are relevant in this regard. The appellant notes that the species (Holm Oak) proposed is not native to Ireland and can grow to very large heights ranging from c. 21m to 28m and can result in large canopies of dense, leafy and overhanging branches. In addition, it is stated that its root system can spread

out as much as the canopy. The Holm Oak is also known for and used for its screening abilities when it is clipped into a tall hedge. As the trees are proposed in private gardens, concerns are expressed that no indication or reassurance has been provided that these trees will be maintained to an acceptable height and density of foliage which may have an impact on the appellant's property by reason of overshadowing and diminishment of daylight/sunlight. Given the height that these specimens can reach at maturity, their potential canopy spread and the fact they are to be located within private gardens, it is my recommendation that a condition be included which requires the Applicant to submit a revised landscape plan which provides suitable native screen planting, with a reduced height and crown spread along the northern site boundary which shall be agreed with the Planning Authority prior to the commencement of development. I note that there has been a number of revisions to the site layout plan at further information stage and an updated landscape plan and rationale is therefore required which has regard to these changes and which includes the revisions to the layout and design of Block No. 4 and the provision of a communal garden.

- 7.5.3. The appellant has also raised concerns with respect to the c. 2m high rendered blockwork wall which is proposed along the full length of the site's northern boundary. It is the appellant's view that no consideration has been given in either the landscaping scheme or in the Planning Authority's assessment as to the effect of building such a structure will have upon the root systems of their hedges and their long term viability. It is stated that the northern boundary wall will require a substantial foundation, that if excavated, will potentially damage the root systems of the hedges. It is also highlighted that Block No. 1 will be located c. 1.5m from the Appellant's front hedge and would also require substantial foundations, further endangering the front Laurel hedge's viability. As part of their response to the appeal, it is confirmed that the Applicant has consulted with the project's landscape architect in relation to the concerns raised. Due to limited root spread of the adjacent hedging, it is stated that the construction of a wall adjacent to an existing hedge will not fundamentally undermine the hedge, provided that there is at least a 300mm clearance between the trunk of the hedge and the edge of the foundations. Furthermore, as a Laurel (*laurus rotundifolia*) hedge is an invasive species due to its vigorous root growth and damaging growth patterns to native species, it is contended that it is possible to construct concrete foundations directly

beside its root structure without damaging the health of the hedge. The Applicant confirms that they will take all necessary measures to protect the appellant's hedge during construction.

7.5.4. I note that the appellant has also raised concerns with respect to overbearing nature of the proposed northern boundary wall, given its c. 2m height. It is also stated that this impact will be exacerbated due to the variation in site levels. Having inspected the site and the existing boundary planting, I am satisfied that the proposed boundary wall is of an appropriate height which will provide an adequate level security and privacy to the appellant's property. Although the existing hedging on the appellant's property will largely screen the wall when viewed from the north, it is my view that this boundary wall should be capped and rendered on both sides. I also recommend that a condition be included which requires the Applicant to submit details as to how the viability of existing hedges are be maintained which is to be prepared by the consultant landscape architect/arborist. Subject to compliance with these conditions, I am satisfied that the proposed boundary treatments are acceptable and in accordance with the pertinent policy objectives of the current Plan.

7.5.5. I note that an appellant has raised a concern that the proposed roadside boundary treatment adjacent to Block No. 1 will allow young children to access the R132. The front garden boundary treatments for the individual houses within Block No. 1 comprise a combination of a 0.9m high blockwork wall with railing (Boundary Type E ) which is back planted with c. 1.2m high privacy hedgerow (Boundary Type C). I would not share the appellant's concerns in this instance as the boundary will provide for an active interface along the R132 whilst also clearly delineating and securing each dwelling's front garden. Overall, I am satisfied that the boundary treatments throughout the development are well considered, and are fully in accordance with the policy set out in Section 13.8.11 (Boundary Treatment) of the current Plan.

## **7.6. Other Matters**

7.6.1. Within the appellant's submission, it is noted that the value of any property and its marketability is derived from its physical setting, surroundings, existing amenities and the reasonable expectation that such amenities may be continuously enjoyed without



undue negative impact, diminution or loss. It is contended that the proposed development will fundamentally change the Applicant's circumstances through the irrevocable diminution and loss of amenity from overlooking and loss of privacy, overbearing, overshadowing and loss of daylight and sunlight. As an appendix to their appeal (see Appendix 4), the appellant has enclosed a letter from RE/Max Properties which states that the proposed development will compromise the amenity of their dwelling and it states that if the development is completed '... it will substantially devalue your property and it would have a negative effect on the marketability of your property if you decided to sell'. In their response to the appeal, the Applicant's agent notes that the letter submitted is subjective and provides no valuation of the property or what the reduction claimed would amount to. It is also argued by the Applicant that a residential development on the application site would add very significant value to the appellant's property. As detailed throughout this assessment, I am satisfied that the design of the development has carefully considered and will ensure that the residential amenity of adjoining properties is maintained due to the overall scale, height, siting and design of the blocks within the scheme and the separation distances provided from its sensitive interfaces. Overall, I am satisfied that the proposed development would not adversely impact the valuation of neighbouring properties and would result in an efficient and sustainable use of zoned lands within the settlement boundary of Dundalk.

- 7.6.2. It is highlighted within an appeal on file that the Planning Authority have not addressed concerns raised by residents that the ground levels on site had been raised and it had been utilised as a dumping ground. It is also questioned whether the ground levels will be reinstated to reduce the possibility of flooding into neighbouring gardens. Within their response to the appeal, it is confirmed by the Applicant's agent that a deep refuse pit containing modern plastic, tyres and metal was uncovered in the area of Trench Nos. 4 & 5 (Archaeological Assessment) during the test trenching. It was stated that rubble was also encountered at Trench No. 2. The agent confirms that these areas will be made good prior to commencement of building work on site. In the event that any hazardous material is encountered, it is stated that this will be dealt with by an authorised and licenced waste contractor and the procedure for hazardous waste management are now contained in the draft Construction Management Plan included

within Appendix F of the appeal submission. In terms of flooding, the appeal site is located within Flood Zone C where residential development is deemed to be an appropriate land use. Section 5 of the Civil Engineering Works Planning Statement indicates that there is no coastal or fluvial flood risk on the application site. In addition, it is confirmed that the proposed drainage system will limit the possibility of overland flow within the roads of the development.

## 7.7. Appropriate Assessment

### *Introduction*

- 7.7.1. As per Appendix 2 of this report, the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites (Dundalk Bay SAC (Site Code 000455) and Dundalk Bay SPA (Site Code 004026)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a Natura Impact Statement (NIS)) is therefore required.
- 7.7.2. An NIS has been submitted by the Applicant which has been prepared by Roger Goodwillie & Associates. An updated NIS (June 2023) was also submitted a part of the Applicant's further information response. The NIS notes that there is a hydrological connection between the appeal site and the Dundalk Bay SAC and SPA via the drainage ditches which carry surface water from the site into the Dundalk Bay. Therefore, in the event of rainfall, and the absence of standard, appropriate mitigation measures, there is potential for sediments/pollutants from the site to enter the bay and, thus, the relevant SAC and SPA, via surface water run-off during both the construction phase and operational phase of the proposed development. This could result in impacts on water quality in the relevant European Sites. A summary of the two sites is presented below and full details of these sites are available on the website of the National Parks and Wildlife Service.

**Table 7.1**

European	Qualifying Interest/ Conservation Objectives	Distance to
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Site		Development
Dundalk Bay SAC (000455)	<p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	1.8km
Dundalk Bay SPA (004026)	<p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Pintail (<i>Anas acuta</i>) [A054] Common Scoter (<i>Melanitta nigra</i>) [A065] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	1.8km

	Common Gull ( <i>Larus canus</i> ) [A182] Herring Gull ( <i>Larus argentatus</i> ) [A184] Wetland and Waterbirds [A999]	
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### ***Submissions***

- 7.7.3. Within the appellant's submission, it is contended that the NIS has failed to establish why other European sites would not be potentially affected by the development proposal. They state that no reference is made the Carlingford Mountains SAC [Site Code: 000455] or the Stabannan-Braganstown SPA [Site Code: 004091] or why neither site was potentially subject to an impact arising from the proposed development. In addition, it is noted that Carlingford Lough SPA [Site Code: 004078], the Carlingford Shore SAC [Site Code: 002306], Clogherhead SAC [Site Code: 001459] were similarly omitted from assessment but are hydrologically connected to Dundalk Bay SPA and SAC as part of the same marine environment. It is submitted by the appellant that the proposed development has the potential to affect a greater number of European sites than has been considered in the submitted NIS and as such, the report does not provide a complete or reliable assessment of potential significant effects. I note that the Carlingford Mountains SAC [Site Code: 000455] and the Stabannan-Braganstown SPA [Site Code: 004091] have been included within the Applicant's AA screening report. In addition, Appendix 2 of this report has considered the above referenced European Sites and I note that all have been screened out from further assessment due to the nature of the qualifying interests of the designated sites and the intervening distances which are considered sufficient to negate any potential for significant disturbance / displacement impacts. The failure of the Planning Authority and the Applicant to consider in-combination effects is also an issue that has been raised by the appellant in their submission which I will discuss in further detail below.

### ***Potential Impact on Key Habitat Species***

- 7.7.4. The Site Synopsis for the Dundalk Bay SAC (Site Code: 000455) notes that Dundalk Bay is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula in the north, to Annagassan/Salterstown in the south. The bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. Saltmarsh vegetation occurs in four main areas: at Lurgangreen, Marsh South,

Dundalk Harbour and Bellurgan. Two types are represented – Atlantic and Mediterranean salt meadows. The Atlantic salt meadows are commonest and are characterised by Sea-purslane (*Halimione portulacoides*) (often as a dominant band), along with Common Saltmarsh-grass (*Puccinellia maritima*), Thrift (*Armeria maritima*), Red Fescue (*Festuca rubra*), Common Scurvygrass (*Cochlearia officinalis*), Sea Plantain (*Plantago maritima*) and Sea Rush (*Juncus gerardi*). Common Cord-grass (*Spartina anglica*) is frequent and often dominant over substantial areas. Glassworts (*Salicornia* spp.) occur on the lower zones of the saltmarshes, and in places extend out onto the sandflats. Mediterranean salt meadows are mostly confined to the upper levels of the saltmarshes or along stream sides where they merge with grassland habitats (though the transitional zone is now absent in many places).

- 7.7.5. The Dundalk Bay SPA (Site Code: 004026) is one of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. The extensive sand flats and mud flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The outer part of the bay provides excellent shallow-water habitat for divers, grebes and sea duck. Dundalk Bay is a Ramsar Convention site and parts of Dundalk Bay SPA are designated as Wildfowl Sanctuaries. The various qualifying interests in both the SAC and SPA are listed in Table 7.1 above.
- 7.7.6. Section 5.1.1 (Dundalk Bay SAC) and 5.1.2 (Dundalk Bay SPA) of the Applicant's NIS provides a summary of the habitat or species that occurs in the relevant European Sites, its occurrence relative to the appeal site and the possible impact of their conservation objectives. The NIS notes that potential impacts relate to water quality in the small stream and on the mudflats where it discharges, particularly the chemical profile and also the sediment load and nutrient status. It is stated that these are the most relevant to the twelve bird species listed, those associated with the near-shore mudflats. The NIS indicates that because of the volume of the stream and the potential inputs to it, any impact to the mudflat communities would be very localised and not likely to alter the ecology of the bay in a significant way.

- 7.7.6.1. The subject site itself does not support significant populations of any fauna species linked with the qualifying interests or species of conservation interest populations of these European sites. In addition, the intervening distance between the site and these habitats is sufficient to exclude the possibility of significant effects arising from: emissions of noise, dust, or vibrations emitted from the site during the construction phase; increased traffic volumes during the construction and operational phase and associated emissions; potential increased lighting emitted from the site during construction and operational phase; and increased human presence at the site during construction and operational phase.
- 7.7.6.2. The project is limited in scale and extent. However, as mentioned above it is noted that a potential pathway by which silt mobilised from the development site could enter the European Sites. Similarly, oil or other chemicals accidentally discharged from the site could reach these European Sites by the same pathways and by causing a deterioration in water quality. Having examined the submitted information, I consider that the only likely significant risks to the European Sites arise from potential construction and/or operation related surface water discharges from the development site and the potential for these effects to reach the downstream European sites.

### ***Mitigation Measures***

- 7.7.7. A range of mitigation and avoidance measures have been suggested and set out in Section 5.4 of the Applicant's NIS and summarised in Tables 7.2 & 7.3 below. The NIS notes that the construction phase of the project will adhere to best practice guidance, particularly the CIRIA guidance document C532 Control of water pollution from construction sites. In addition, it is stated that the mitigation measures listed in the NIS will be included in a Construction Method Statement for the project to be approved by the Planning Authority.

**Table 7.2: Construction Phase Mitigation**

<b>Pollution prevention</b> <b>Suspended solids/silt</b>	<p align="center">–</p> <ul style="list-style-type: none"> <li>- The prevention of silt generation during site works will be achieved through the avoidance of further bank disturbance along the drain and the interception and management of surface water runoff. Surface water swales or collectors will be installed around the perimeter of the construction footprint. All surface water collected will be directed to attenuation ponds where it is allowed to settle prior to discharge. This will allow for the control and management of all surface water runoff within the site during the construction phase.</li> <li>- All spoil generated during the construction phase will be stored in areas at a minimum distance of 15m from the surface watercourse. This includes excavated soil to be re-used for landscaping.</li> <li>- Standard dust suppression measures will be implemented during periods of dry weather. This will avoid any impacts arising from the spread of dust particles during the construction phase.</li> </ul>
<b>Pollution prevention</b> <b>Chemical substances</b>	<p align="center">–</p> <ul style="list-style-type: none"> <li>- Settled water in attenuation ponds will be discharged from the site with an oil interception mechanism.</li> <li>- Storage - all equipment, materials and chemicals will be stored a minimum distance of 25m away from the watercourse. Chemical, fuel and oil stores will be sited on impervious bases and within a secured bund of 110% of the storage capacity.</li> <li>- All fuel oil fill areas will have an appropriate spill apron and spill kits will be provided on site.</li> <li>- Vehicles and refuelling - standing machinery will have drip trays placed underneath to prevent oil and fuel leaks causing pollution. Where practicable, refuelling of vehicles and machinery will be carried out on an impermeable surface in designated areas, well away from any surface waterbody.</li> <li>- Maintenance - maintenance to construction plant will not be permitted on site, unless vehicles have broken down and require it at the point of breakdown. In this case all necessary pollution prevention measures will be put in place before commencement of maintenance.</li> <li>- Concrete - Wet concrete operations will be carried out in dry conditions. Runoff from wastewaters or contaminated surface water runoff will be directed to the surface water drainage system installed for construction.</li> <li>- Refuse, sanitation and welfare facilities will be required during construction and will be located at the construction compound. Foul effluent will make use of chemical facilities with periodic removal for offsite disposal.</li> </ul>
<b>Measures to avoid the Spread of Non-Native Invasive Species</b>	<ul style="list-style-type: none"> <li>- In order to avoid the introduction and spread of non-native invasive species during the construction phase of the project the following measures will be implemented:</li> <li>- All plant, machinery and site operative clothing will be inspected prior to site access and washed if necessary to ensure that they are not contaminated with invasive species.</li> <li>- Where any works are required in or adjacent to aquatic habitats within the project site all plant, machinery and site operative clothing will be cleaned and disinfected prior to entering watercourses to avoid the spread of non-native invasive species.</li> </ul>

**Table 7.3: Operational Phase Mitigation**

Surface Water	<ul style="list-style-type: none"> <li>- The surface water management system has been designed to ensure that no polluted surface water runoff is discharged from the project site during the operational phase of the project.</li> <li>- All surface water generated at the project site will discharge to the existing drain at a controlled rate equivalent to the Greenfield Runoff rate. A hydrobrake flow control device will be fitted into the attenuation basin outlet to ensure that discharge flow rates are controlled.</li> <li>- Prior to discharge from the site all surface water will be passed through a Class 1 by-pass separator to remove pollutants.</li> </ul>
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7.7.8. Whilst I note that the application has not been supported by Outline Construction Environmental Management Plan (CEMP), the Planning Authority have included a condition which requires the Applicant to comply with the various mitigation measures outlined in the submitted NIS. However, it is my recommendation that a condition be included which requires the Applicant to prepare and submit a CEMP for the written agreement of the Planning Authority which incorporates all the mitigation measures proposed within the NIS.

7.7.9. It is noted that the mitigation measures proposed by the Applicant are standard practices and would typically be required for a development in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. However, in the event that the pollution control and surface water treatment measures were not implemented or failed, it is my opinion that there is potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run-off and therefore, these standard practices are considered to be mitigation measures in the context of Appropriate Assessment.

### ***Cumulative Effects***

7.7.10. The proposed residential development is catered for through land use planning, including the Louth County Development Plan, 2021-2027 (as amended), covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

7.7.11. I note that in-combination effects have not been considered in the Applicant's Screening Report. The failure of the Planning Authority and the Applicant to consider



in-combination effects is an issue that has been raised by the appellant in their submission. In terms of the immediate surrounds, there is a history of permissions that largely relate to small scale residential developments. However, permitted and proposed developments of relevance within the wider surrounds are identified below.

Application Ref.	Site Address	Development Description
18/784	Knockshee, Old Golf Links Road, Blackrock, Dundalk, Co Louth	Permission to construct an elderly care centre consisting of: (A) a two storey, 106 bed nursing home, (B) a 2 storey apartment structure containing 12 no. 2 bed assisted living units and, (C) a single storey laundry/utility structure (centralising storage and services regarding the other two structures) and all ancillary site works.
19/171	Inner Relief Road (R215) and Dublin Road (R132), Dundalk, County Louth	SHD: Stage 3. Application to An Bord Pleanála: Permission for a STRATEGIC HOUSING DEVELOPMENT to consist of 142 No. apartments (52 no. 1 bed, 64 no. 2 bed, and 20 no. 3 bed) in five buildings, ranging in height from two to five storey on a site measuring 2.16 hectares including a crèche (122sqm) and community room (122sqm.) together with parking, roadways and ancillary site works including works to the public road, landscaping and boundary treatments. Provision is made for the installation of solar/photovoltaic panels on the roofs of each building the direction of which will depend on orientation. The application also includes a new vehicular access via a roadway and new entrance off the R215 Inner Relief Road (This access was permitted under P.A. Ref. 16/803 (ABP Ref. 15.247927) and a dedicated pedestrian/cycle link to Dublin Road (R132).
21/900	Xerox Technology Park, Dundalk, Co Louth	Permission for (i) Construction of a Stationary Battery Storage Facility which includes eight 40ft containers and double medium voltage skids and (ii) All associated site and development works (iii) This application is accompanied by a Natura Impact Statement.
22/261	Knockshee, Old Gold Links Road, Blackrock, Dundalk, County Louth	Permission for modifications to previously permitted 106 bed two storey nursing home (Planning Permission Reference No 18/784). The proposed modifications consist of; (a) the provision of 22 additional bedrooms in the nursing home in revised internal layout increasing from 106 to 128 bedrooms resulting in increase of total main floor area of c. 150 sqm over the two floors from 6551.6 sqm to 6701 sqm (b) Revised roof to provide flat roof with perimeter mono pitch roof; (c) provision of plantroom of c.158sqm at roof level; (D) redesigned freestanding single storey services building

		incorporating sub-station, switch room, bin store and storage area of c.112sqm; (e) related amendments to elevations including finishes, car parking layout and site works. The application is for the lands related to the nursing home portion of the previous site only and proposed changes are to the nursing home element of planning permission reference No 18/784 and no alterations are proposed to the permitted assisted living apartment building.
23/64	Bellfield, Haggardstown, Dundalk, Co Louth	Permission for an LRD consisting of a total of 183 no. residential units along with provision of creche as follows: Site excavation works. Provision of 64 no. dwellings (38no. 3 bed semi-detached; 8 no. 4 bed semi-detached; 8 no. 3 bed semi-detached; 1 no. 4 bed semi-detached; 1 no. 3 bed semi-detached; 4 no. 4 bed detached; 3 no. 4 bed detached and 1 no. 3 bed detached). Provision of a total of 119 no. apartments/duplex units (21 no. 1 bed; 57 no. 2 bed; and 41 no. 3 bed units across 6 no. blocks ranging in height up to 6 storeys). Provision of a creche. Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and on-street parking for the creche, duplexes and apartments. Provision of electric vehicle charging points with associated infrastructure. Associated bicycle storage facilities and bin storage facilities. Use of existing access from Dublin Road with associated upgrade works to the existing internal access road to facilitate vehicular, pedestrian and cycle access. Internal access roads and footpaths and associated connections to the existing Bellfield residential estate. Residential communal open space areas with formal play area along with hard and soft landscaping, public lighting, boundary treatments including walls, railing and fencing. ESB substation. Internal site works and attenuation systems and all ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water, gas and ESB networks. A Natura Impact Statement has been submitted with this application.
24/60033	Knock Shee Avenue, Blackrock, Dundalk, Co. Louth	Permission for development at Knock Shee Avenue, Blackrock, consisting of the construction of a Discount Foodstore Supermarket with ancillary off-licence sales. The proposed development comprises: 1) The construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and internal mezzanine plant deck) measuring c.

		2,295 sqm gross floor space with a net retail sales area of c. 1,499 sqm; and 2) Provision of vehicular and pedestrian access, car and cycle parking, free standing and building mounted signage, trolley bay cover/enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments, drainage infrastructure and connections to services/utilities, electricity Substation and all other associated and ancillary development and works above and below ground level
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7.7.12. Whilst I accept that the Screening Report/NIS has failed to mention a number of permitted and proposed developments within the site surrounds, these mainly relate to other residential & industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### ***Conclusion***

7.7.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Dundalk Bay SAC (Site Code 000455) and Dundalk Bay SPA (Site Code 004026). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

7.7.14. In summary, the NIS, and its supporting documentation, provides adequate information in respect of baseline conditions, identifies the potential impacts of the proposed development, uses best scientific information and knowledge, and provides details of proposed mitigation measures. Having regard to the totality of the documentation on file, including the revised NIS, I am satisfied that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European Sites within Dundalk Bay in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

## **8.0 Recommendation**

8.1.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to:

- i. The site's location on lands with a zoning objective for residential development, and the policy objectives and provisions in the Louth County Development Plan, 2021-2027 (as amended) in respect of residential development,
- ii. The nature, scale and design of the proposed development which is consistent with the provisions of the Louth County Development Plan, 2021-2027 (as amended) and appendices contained therein,
- i. The location and specific characteristics of the site and the pattern of development in the surrounding area,
- ii. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- iii. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,
- iv. Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021, and,
- v. To the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

it is considered that, subject to compliance with the various conditions set out below, which includes a requirement to redesign Block No. 1, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be of a scale, design and form which would provide an appropriate transition in scale within the streetscape and would not detract from the visual amenities of area, would not result in traffic congestion or constitute a hazard to road

users and would comprise an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> day of July 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - a. The second floor level bedroom within House Nos. 1 & 4 of Block No. 1 shall be omitted. The revision shall reduce the overall height of Block No. 1 and its front gable projection so that it has a similar profile to that proposed within Block Nos. 5 & 6. Revised plans and elevations of Block No. 1 shall be submitted to the Planning Authority for written agreement prior to the commencement of development. The proposed palette of materials and finishes for Block No. 1 shall be retained, i.e. side elevations finished in brick.
  - b. The glazing within the first floor level bathroom windows of House Nos. 1-4 shall be manufactured opaque and permanently maintained.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved.

Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

4. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

6. Landscaping.

- a. Prior to the commencement of development, the Applicant shall submit a revised landscape layout plan which provides suitable native screen planting, with a reduced height and crown spread along the northern site boundary (i.e. to the north of Block Nos. 2 & 3). The updated landscape layout plan shall also have regard to the changes at further information stage which includes revisions to the car parking to the south of Block No. 2, the layout and design of Block No. 4 and the provision of a communal garden adjacent to this block.
- b. The development shall retain the services of a suitably qualified landscape architect throughout the life of the site development works.

The approved hard and soft landscaping scheme shall be implemented fully in the first planting season following the commencement of the development and finalised prior to the sale of any of the residential units hereby granted planning permission. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

- c. Prior to the commencement of development, the Applicant shall demonstrate and submit details prepared by the consultant landscape architect/arborist as to how the viability of the existing hedges along the northern site boundary is to be maintained.
- d. The proposed 2m high northern, eastern and southern boundary wall (Boundary Type B) shall be capped and rendered on both sides.

Reason: In the interest of residential and visual amenity.

- 7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

- 8. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

- 9. 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 provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall detail and have regard to the various mitigation measures included within the Natura Impact Statement submitted with the application and as amended at further information stage (28<sup>th</sup> July 2023). The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

11. A detailed Construction Traffic Management Plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a detailed Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

13. The applicant shall ensure all cycle lane connectivity along the public road and subject development are carried out in accordance with Louth County Council Active Travel Section requirements and shall submit relevant drawings and



details as required by them.

Reason: In the interest of amenity and public safety.

14. Prior to the occupation of any unit within the development:

- a. All roadways and footpaths shall be finished with a permanent durable surface course and the roadway shall be applied with line marking and road signage as per the submitted drawings.
- b. The street lighting serving the development, as detailed in the public lighting scheme submitted with the application shall be operational.
- c. Car parking spaces shall be constructed on a durable surface and laid out to the satisfaction of the Planning Authority.

Reason: In the interest of amenity and public safety.

15. The Applicant shall ensure that a minimum of 20% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points and ducting shall be provided for all remaining car parking spaces, including in curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later stage.

Reason: In the interests of a properly planned and serviced development.

16. Prior to commencement of development, the Applicant shall submit to the Planning Authority a drawing illustrating the signing, lining and allocation of the car parking spaces within the development and details of the management of same i.e. Car Parking Management Plan.

Reason: In the interests of managing a shared car parking provision.

17. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Should archaeological material be found during the course of the works, the work on site shall be stopped pending a decision as to how best deal with the archaeology and the Applicant shall liaise with the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to same.

Reason: To ensure the continued preservation (either in situ or by record) of

places, caves, sites, features or other objects of archaeological interest.

18. Site development and building works shall be carried out between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

19. Proposals for the name, house numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. 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.

20. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement, the procedures for inspection and monitoring of the development by the Planning Authority to ensure compliance with these standards.

Reason: To ensure the development is carried out and completed to an acceptable construction standard.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

22. 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.

23. 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.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application or the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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Enda Duignan  
Planning Inspector

27<sup>th</sup> August 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-318174-23		
<b>Proposed Development</b> <b>Summary</b>	Demolition of derelict structure and the construction of 39 dwellings and all associated site works. This application is accompanied by a Natura Impact Statement (NIS).		
<b>Development Address</b>	Dublin Road, Haggardstown, Dundalk, Co. Louth.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Yes
		<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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
Yes			EIA Mandatory EIAR required
No	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</b> (if relevant)
<b>No</b>			No EIAR or Preliminary Examination required

<b>Yes</b>	X	500 residential units	Class 10(b)(i)	Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

**Date:** 27<sup>th</sup> August 2024

## Form 2

# EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-318174-23	
<b>Proposed Development Summary</b>	Demolition of derelict structure and the construction of 39 dwellings and all associated site works. This application is accompanied by a Natura Impact Statement (NIS).	
<b>Development Address</b>	Dublin Road, Haggardstown, 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/ Uncertain</b>
<ul style="list-style-type: none"> <li>• <b>Nature of the Development</b></li> <li>• Is the nature of the proposed development exceptional in the context of the existing environment?</li> <li>• Will the development result in the production of any significant waste, emissions or pollutants?</li> </ul>	The proposed development is for a residential development on a brownfield site the settlement boundary of Dundalk which is urban in nature and is connected to public services.	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> <li>• <b>Size of the Development</b></li> <li>• Is the size of the proposed development exceptional in the context of the existing</li> </ul>		No

<p>environment?</p> <ul style="list-style-type: none"> <li>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</li> </ul>		No
<ul style="list-style-type: none"> <li><b>Location of the Development</b></li> <li>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</li> <li>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</li> </ul>	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<ul style="list-style-type: none"> <li><b>Conclusion</b></li> </ul>		
<ul style="list-style-type: none"> <li><b>There is no real likelihood of significant effects on the environment.</b></li> <li>EIA not required.</li> </ul>		

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

Date: 27<sup>th</sup> August 2024

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

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

(only where Schedule 7A information or EIAR required)



## Appendix 2

### Screening for Appropriate Assessment

#### Screening Determination

##### Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS) prepared by Roger Goodwillie & Associates dated July 2022 was submitted with the application. In addition, an updated AA Screening and NIS was submitted in response to a request for further information. The objective information presented within the documents informs this screening determination.

The address of the appeal site is Dublin Road, Haggardstown, Dundalk, Co. Louth. The brownfield site is located on the eastern side of the R132, c. 3.5km to the south of Dundalk town centre. I have provided a detailed description of the site location and its surrounding context in Section 1 of my report, while the development is described in detail in Section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the construction of a residential development (39 no. houses and apartments reduced to a total of 37 no. units at further information stage) and all associated site works.

The nearest Natura 2000 Sites are those associated within Dundalk Bay (Dundalk Bay SAC (Site Code 000455) and Dundalk Bay SPA (Site Code 004026)), which are located c. 1.8km to the east of the site. SACs and SPAs within 15km of the site have been identified in the Applicant's Screening Report as the project's Zone of Influence (Zoi). European sites within the project's Zoi are identified as follows:

- Dundalk Bay SAC (Site Code 000455) – 1.8km
- Dundalk Bay SPA (Site Code 004026) – 1.8km
- Carlingford Mountain SPA (Site Code 000453) - 8.7km
- Stabannan - Braganstown SPA (Site Code 004091) – 13.3km

Other hydrologically connected European Sites via the Marine Environment include:

- Carlingford Lough SPA [Site Code: 004078].
- Carlingford Shore SAC [Site Code: 002306].
- Clogherhead SAC [Site Code: 001459].
- North-West Irish Sea SPA [Site Code: 004236]

There is currently a drainage ditch which has an abuttal with the eastern boundary of the appeal site. This surface water ditch /agricultural drain flows southward and is understood to ultimately discharge to Dundalk Bay via a network of ditches and watercourses. I note that the proposed development will continue to utilise this drainage ditch via a new connection. Therefore, a hydrological connection exists between the site and Dundalk Bay SAC & SPA via surface water discharges into the Bay from the site during both the Construction and Operational Phases. Therefore, these sites are

examined in further detail below.

In the case of the Carlingford Mountain SAC and the Stabannan - Braganstown SPA, there are no direct or indirect hydrological pathways from the proposed development site to the European Site. I would agree with the Applicant that the construction and operation of the proposed development will not impact on the conservation interests of these sites and no potential impacts are foreseen. For the hydrologically connected European Sites referenced above, all be screened out from further assessment due to the nature of the qualifying interests and the intervening distances which are considered sufficient to negate any potential for significant disturbance / displacement impacts.

## Step 2: Potential impact mechanisms from the project

As noted above, the site is served by a surface water drainage ditch that runs along the eastern boundary that ultimately discharges to Dundalk Bay via a network of ditches and watercourses. This existing open drainage ditch acts as an outflow for any potential surface water attenuation flows and connects to the SAC and SPA, c. 1.8km to the site's east. This watercourse has the potential for indirect impacts during the construction and operational phase of the development given the hydrological connection to the site that exists. In addition, foul water would be seen as output from the site during the operational phase of the development that could potentially extend to these Natura 2000 sites. With this in mind, an assessment of potential hydrological impacts on the SAC and SPA is necessary. These are considered in further detail below.

## Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

Natura 2000 Site	Qualify Interests/Special Conservation Interests for which the Natura 2000 Site has been designated.	Conservation Objectives	Impact Assessment
Dundalk Bay SAC (000455)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	To maintain or restore the favourable Conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards the drainage ditch that has hydrological connectivity to the Dundalk Bay.</p> <p>Construction Phase Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks. Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies. Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater. Waste generation during the Construction Phase comprising soils,</p>

			<p>construction and demolition wastes. Increased noise, dust and/or vibrations as a result of construction activity. Increased dust and air emissions from construction traffic. Increased lighting in the vicinity as a result of construction activity.</p> <p>Operational Phase Surface water drainage from the Site of the Proposed Development. Increased lighting in the vicinity emitted from the Proposed Development; and Increased human presence in the vicinity as a result of the Proposed Development.</p> <p>In the absence of appropriate mitigation measures, there is potential for sediments/pollutants from the Site to enter the Dundalk Bay SAC and SPA via drainage ditches and watercourses, which could result in impacts on water quality within these European Sites.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at either Dundalk or Blackrock which both have been identified by Irish Water as having spare capacity available. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at either Dundalk or Blackrock WWTP which both discharge to Dundalk Bay, and thus its impact on the overall discharge would be negligible.</p> <p>In terms of Disturbance and / or Displacement of Species, the hydrological link exists has the potential to cause disturbance and/or displacement to the bird and aquatic species associated with the above European Sites due to effects on the water quality and resource indicator during both the Construction and Operational Phases.</p> <p>Therefore, the possibility may not be excluded that the Proposed Development could have a significant effect on the SAC.</p>
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<p>Dundalk Bay SPA (004026)</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p>	<p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards the drainage ditch that has hydrological connectivity to the Dundalk Bay.</p> <p><b>Construction Phase</b>  Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.  Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.  Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.  Waste generation during the Construction Phase comprising soils, construction and demolition wastes.  Increased noise, dust and/or vibrations as a result of construction activity.  Increased dust and air emissions from construction traffic.  Increased lighting in the vicinity as a result of construction activity.</p> <p><b>Operational Phase</b>  Surface water drainage from the Site of the Proposed Development.  Increased lighting in the vicinity emitted from the Proposed Development; and  Increased human presence in the vicinity as a result of the Proposed Development.</p> <p>In the absence of appropriate mitigation measures, there is potential for sediments/pollutants from the Site to enter the Dundalk Bay SAC and SPA via drainage ditches and watercourses, which could result in impacts on water quality within these European Sites.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at either Dundalk or Blackrock which both have been identified by Irish Water as having spare capacity available. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at either Dundalk or Blackrock WWTP which both</p>
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	<p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	<p>discharge to Dundalk Bay, and thus its impact on the overall discharge would be negligible.</p> <p>In terms of Disturbance and / or Displacement of Species, the hydrological link exists has the potential to cause disturbance and/or displacement to the bird and aquatic species associated with the above European Sites due to effects on the water quality and resource indicator during both the Construction and Operational Phases.</p> <p>Therefore, the possibility may not be excluded that the Proposed Development could have a significant effect on the SPA.</p>
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**Step 5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

The proposed residential development is catered for through land use planning, including the Louth County Development Plan, 2021-2027 (as amended), covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

I note that in-combination effects have not been considered in the Applicant's Screening Report. There is a history of permissions within the immediate surrounds that largely relate to small scale residential developments. However, permitted and proposed developments of relevance within the wider surrounds are identified below.

Application Ref.	Site Address	Development Description
18/784	Knockshee, Old Golf Links Road, Blackrock, Dundalk, Co Louth	Permission to construct an elderly care centre consisting of: (A) a two storey, 106 bed nursing home, (B) a 2 storey apartment structure containing 12 no. 2 bed assisted living units and, (C) a single storey laundry/utility structure (centralising storage and services regarding the other two structures) and all ancillary site works.
19/171	Inner Relief Road (R215) and Dublin Road (R132), Dundalk, County Louth	SHD: Stage 3. Application to An Bord Pleanála: Permission for a STRATEGIC HOUSING DEVELOPMENT to consist of 142 No. apartments (52 no. 1 bed, 64 no. 2 bed, and 20 no. 3 bed) in five buildings, ranging in height from two to five storey on a site measuring 2.16 hectares including a crèche (122sqm) and community room (122sqm.) together with parking, roadways and ancillary site works including works to the public road, landscaping and boundary treatments. Provision is made for the installation of solar/photovoltaic panels on

		the roofs of each building the direction of which will depend on orientation. The application also includes a new vehicular access via a roadway and new entrance off the R215 Inner Relief Road (This access was permitted under P.A. Ref. 16/803 (ABP Ref. 15.247927) and a dedicated pedestrian/cycle link to Dublin Road (R132).
21/900	Xerox Technology Park, Dundalk, Co Louth	Permission for (i) Construction of a Stationary Battery Storage Facility which includes eight 40ft containers and double medium voltage skids and (ii) All associated site and development works (iii) This application is accompanied by a Natura Impact Statement.
22/261	Knockshee, Old Gold Links Road, Blackrock, Dundalk, County Louth	Permission for modifications to previously permitted 106 bed two storey nursing home (Planning Permission Reference No 18/784). The proposed modifications consist of; (a) the provision of 22 additional bedrooms in the nursing home in revised internal layout increasing from 106 to 128 bedrooms resulting in increase of total main floor area of c. 150 sqm over the two floors from 6551.6 sqm to 6701 sqm (b) Revised roof to provide flat roof with perimeter mono pitch roof; (c) provision of plantroom of c.158sqm at roof level; (D) redesigned freestanding single storey services building incorporating sub-station, switch room, bin store and storage area of c.112sqm; (e) related amendments to elevations including finishes, car parking layout and site works. The application is for the lands related to the nursing home portion of the previous site only and proposed changes are to the nursing home element of planning permission reference No 18/784 and no alterations are proposed to the permitted assisted living apartment building.
23/64	Bellfield, Haggardstown, Dundalk, Co Louth	Permission for an LRD consisting of a total of 183 no. residential units along with provision of creche as follows: Site excavation works. Provision of 64 no. dwellings (38no. 3 bed semi-detached; 8 no. 4 bed semi-detached; 8 no. 3 bed semi-detached; 1 no. 4 bed semi-detached; 1 no. 3 bed semi-detached; 4 no. 4 bed detached; 3 no. 4 bed detached and 1 no. 3 bed detached). Provision of a total of 119 no. apartments/duplex units (21 no. 1 bed; 57 no. 2 bed; and 41 no. 3 bed units across 6 no. blocks ranging in height up to 6 storeys). Provision of a creche. Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and on-street parking for the creche, duplexes and apartments. Provision of electric vehicle charging points with associated infrastructure. Associated

		bicycle storage facilities and bin storage facilities. Use of existing access from Dublin Road with associated upgrade works to the existing internal access road to facilitate vehicular, pedestrian and cycle access. Internal access roads and footpaths and associated connections to the existing Bellfield residential estate. Residential communal open space areas with formal play area along with hard and soft landscaping, public lighting, boundary treatments including walls, railing and fencing. ESB substation. Internal site works and attenuation systems and all ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water, gas and ESB networks. A Natura Impact Statement has been submitted with this application.
24/60033	Knock Shee Avenue, Blackrock, Dundalk, Co. Louth	Permission for development at Knock Shee Avenue, Blackrock, consisting of the construction of a Discount Foodstore Supermarket with ancillary off-licence sales. The proposed development comprises: 1) The construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and internal mezzanine plant deck) measuring c. 2,295 sqm gross floor space with a net retail sales area of c. 1,499 sqm; and 2) Provision of vehicular and pedestrian access, car and cycle parking, free standing and building mounted signage, trolley bay cover/enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments, drainage infrastructure and connections to services/utilities, electricity Substation and all other associated and ancillary development and works above and below ground level

Whilst the Screening Report has failed to mention a number of permitted and proposed developments within the site surrounds, these mainly relate to other residential & industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### **Overall Conclusion - Screening Determination**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening

for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites associated with Dundalk Bay (Dundalk Bay SAC (Site Code 000455) and Dundalk Bay SPA (Site Code 004026)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Carlingford Mountain SPA (Site Code 000453), the Stabannan - Braganstown SPA (Site Code 004091), Carlingford Lough SPA [Site Code: 004078], Carlingford Shore SAC [Site Code: 002306], Clogherhead SAC [Site Code: 001459] and the North-West Irish Sea SPA [Site Code: 004236] in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not, therefore, required.