



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319238-24

<b>Development</b>	Construction of 31 residential units comprising 9 houses and 22 apartments and all associated site works.
<b>Location</b>	Marshes Upper, Dublin Road, Dundalk, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	23334
<b>Applicant(s)</b>	V and P Mathews Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Charlie McCann
<b>Observer(s)</b>	Peter and Noreen McGourty Pat McNally
<b>Date of Site Inspection</b>	17 <sup>th</sup> October 2024

**Inspector**

Matthew McRedmond

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## **1.0 Site Location and Description**

- 1.1. The site is located at Marshes Upper, Dublin Road, Dundalk, Co. Louth. The site is 0.568ha in area and is bounded to the north and east by 2-storey residential housing estates. To the west is a pedestrian pathway to Ladywell Shrine, which is a protected structure. There is a detached residential dwelling located further to the west. The site is currently vacant and is accessed directly from Dublin Road.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of 31 residential units that includes the following:
- 2no. 3-storey blocks fronting on to Dublin Road at the entrance to the site, each consisting of 2no. 2-bed units and 2no. 3-bed units.
  - 1no. 3-storey block at the western boundary of the site consisting of 7no. 2-bed duplex units and 7no. 3-bed duplex units.
  - 1no. terrace of 7no. 2-storey, 3-bed houses at the eastern boundary of the site.
  - 2no. 2-storey, 4-bed semi-detached dwellings.
  - A central area of open space.
  - All site access and internal road arrangements.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission for the proposed development on the 26<sup>th</sup> February 2024 subject to 20no. conditions.

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

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

The Local Authority Planner had regard to the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- The principle of the development is acceptable under the 'A1 – Existing Residential' land use zone and complies with core strategy policies.
- The 3-storey and 2-storey development proposal is considered acceptable in terms of height.
- The development provides a good range and mix of residential unit types.
- The density of c.54 units per hectare is considered acceptable.
- The contents of the building lifecycle report are considered acceptable in relation to running and maintaining the development.
- The building design is well considered and will be of sufficiently high quality.
- The public open space to the western boundary and to the west of the entrance require further consideration.
- Private amenity space for the houses and apartments are in accordance with the requirements of the County Development Plan and Apartment Design Guidelines.
- The number of car parking spaces are considered acceptable.
- EV charging points to be shown on plans.
- Cycle parking spaces should be repositioned.
- The design of the apartment units in terms of floor area and layout is considered acceptable.
- Bin Storage location should be identified.
- 100% dual aspect apartments is considered appropriate.
- Storage areas are considered to be appropriately sized. Bulky storage to be confirmed through further information.
- Flood risk and services to the site are all acceptable and can be supplied.
- A planning condition related to institutional investment should be included.

- Further information is required in relation to transport and traffic.
- A heritage impact assessment should be provided.
- A detailed bat survey should be undertaken and provided.
- Appropriate conditions should be attached for development contributions, bonds and taking in charge.
- The Planning Authority sought further information from the applicant.

#### Further Information Response

3.2.2. The Planning Authority Planner was satisfied with the further information response which included the following:

- A reconfigured open space to rear of 14no. duplex units to provide semi-private gardens.
- Relocated bike store and enlarged central open space from 665sqm to 827sqm.
- Terrace of houses has been reduced to 6 units with 1no. unit being now detached.
- Details of active travel and transport infrastructure provision including footpaths and cycle paths and adequate sightlines.
- EV charging points at 7no. of total 31no. spaces.
- Revised drawings showing a purpose-built bulky storage and bike store at the north-west corner of the site.
- Three separate bin storage areas within the site that do not obstruct the public open space or private areas within the site.
- A bat survey indicating that bat roosts are not present on site, nor will any be adversely impacted by the proposed development.
- Provision of 3no. separate cycle parking zones.
- An Architectural and Archaeological Heritage Assessment that indicates no impact on Ladywell Shrine. Archaeological mitigation measures are recommended.

- The FI response was considered significant and was readvertised to allow the views of the public to be provided.
- Separation distances to existing properties considered acceptable.
- A grant of permission was recommended by the Planning Authority Planner.

3.2.3. Relevant Conditions attached to the grant of permission include the following:

- Condition 2 – As per Section 47 of the Act, first occupation restricted to individual purchasers.
- Condition 6 – Pre-commencement survey of bats and bat roosts on site.
- Condition 15 - Revised site layout required to facilitate active travel along R215.
- Condition 10 – Connection pathways to greenway are omitted from the grant of permission and are to be subject to separate agreement with roads section.

3.2.4. Other Technical Reports

- Placemaking & Physical Development Section – Satisfied with the further information submitted subject to conditions.
- Infrastructure Section – No objection subject to standard conditions.

### 3.3. Prescribed Bodies

- 3.3.1. Department of Housing, Local Government and Heritage – Appropriate archaeological conditions to be included.

### 3.4. Third Party Observations

- 3.4.1. A number of submissions were received from adjoining landowners/occupiers expressing the following concerns in relation to the original application and the further information response:

- Proposal will not be in keeping with residential properties in surrounding area or the zoning objective for the site.

- The proposal does not protect or enhance existing residential amenities.
- Habitable rooms and private amenity space from 108 Muirhevna and 51 and 52 Dunmore all back on to the proposed development.
- Mature trees and woodlands would be materially impacted by the proposal.
- Sightlines from proposed new access would be an issue.
- A traffic impact assessment should be provided in compliance with Objective MOV 47 of the Development Plan.
- The required number of car parking spaces (2 per unit) would make this site unfeasible.
- Overlooking impacts from subject proposal a concern for existing houses at Donmore, Muirhevna, Priorland Villas and Priorland Gardens.
- Overshadowing and impacts on natural daylight a major concern. Separation distance not adequate to presume appropriate mitigation in this regard. Without shadow diagrams or a sunlight and daylight assessment, it is not possible to fully appreciate the impacts. The revised proposals put forward at FI stage do nothing to address these concerns.
- When ground level differences are considered the terraced units, bike store and two storey semi-detached dwellings will have an overbearing impact on neighbouring properties.
- The proposal is contrary to the Sustainable Residential Development in Urban Areas Guidelines (2009).
- Number and density of units in subject proposal are not appropriate.
- Boundary treatments including alterations to existing hedgerow not acceptable from a privacy or security perspective.
- The ownership of the application site is questioned.
- Inappropriate location of bike store.
- Roadside boundary treatment queried in terms of hedgerow retention and associated impact on achievable sightlines. Removal of trees and



hedgerows will lead to biodiversity impacts and is contrary to the policy objectives NBG 8 and 11 from the County Development Plan.

- Lack of 1-bed units in the proposed scheme does not provide appropriate dwelling mix.
- No design statement has been provided as required under Quality Housing for Sustainable Communities Guidelines (2020) and the Sustainable Residential Development in Urban Areas Guidelines (2009).
- No details provided on impact of proposal on the protected structure, Ladywell Shrine.
- Full details and elevations have not been submitted by the applicant.
- Concerns raised in earlier submissions were not addressed in the FI Request. Proposal to replace bike shed with a 2-storey dwelling at eastern boundary will provide a less favourable design solution.

As the observer parties are the subsequent Third-Party Appellant and appeal observers, their concerns are noted and considered further in the context of the Grounds of Appeal and Assessment below.

## **4.0 Planning History**

- 4.1.1. There is no planning history for the subject site.

## **5.0 Policy Context**

### **5.1. National and Regional Planning Policy**

- 5.1.1. 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.

5.1.2. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant to the site. Dundalk lies within the Gateway Region and is identified as a Regional Growth Centre. These are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wider catchment. A key priority of the RSES is to promote the continued sustainable and compact growth of Dundalk as a regional driver of city scale with a target population of 50,000 by 2031.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require appropriate residential densities (no less than 15-150 units per hectare) in Regional Growth Centres.

## **5.2. Louth County Development Plan 2021-2027**

5.2.1. The Louth County Development Plan, 2021-2027 (CDP) is the operative plan for the subject proposal. 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 R215 (Dublin Road).

5.2.2. Relevant Strategic Settlement 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.

5.2.3. 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.

5.2.4. 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. The primary considerations will be the quality of the residential environment that will be created. Recommended minimum densities in Regional Growth Centres, Dundalk and Drogheda (Town Centre) are 50 units per ha.

5.2.5. 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.

5.2.6. Relevant objectives of the Plan include:

- 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 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 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 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.

5.2.7. Chapter 13 contains development standards and includes in the general text (at section 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.

5.2.8. 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 on appropriate levels of sunlight and daylight. 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.

5.2.9. 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 16 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.

- 5.2.10. Schemes in excess of 25 units shall endeavour to provide an appropriate mix of residential accommodation.
- 5.2.11. 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.
- 5.2.12. A secure and conveniently located cycle parking area shall be provided in apartment developments. This cycle parking area shall be covered.
- 5.2.13. 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.
- 5.2.14. 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.

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

- 5.3.1. I note that the Draft LAP and its accompanying reports were 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).

### **5.4. Natural Heritage Designations**

- 5.4.1. 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 approximately 2.5km to the southeast of the appeal site.

### **5.5. EIA Screening**

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 5.5.3. The subject development is for the construction of 31 units, together with associated works, on a site with a stated area of 0.568ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 20ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.
- 5.5.4. I have given consideration to the requirement for sub-threshold EIA. The site is located on residentially zoned lands and is within a town/urban setting. The site is vacant grassland and is bounded by several residential sites, and it is also serviced. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the

landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Eireann and Louth County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) attached to this Report.



## **6.0 The Appeal**

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

In the Third Party Appeal, the following grounds of appeal are submitted:

- Scale, density and height is not in keeping with residential properties in the surrounding area or the A1 zoning of the site which has an objective to protect residential amenities.
- Mature Trees and Woodlands would be impacted by the proposal.
- The proposed entrance is not suitable for the proposed development as sightlines could not be achieved. A traffic impact statement should have been submitted.
- The site cannot accommodate the required number of car parking spaces or access for emergency services.
- The height and density of the proposal will result in overlooking of existing properties as well as blocking natural light.

### **6.2. Applicant Response**

No response on file.

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

The Planning Authority responded that issues raised in the Third Party Appeal have already been addressed in the Planner's Report on the application. The Planning Authority ask An Bord Pleanala to uphold the original Local Authority decision and grant permission for the subject proposal.

### **6.4. Observations**

There are 2no. observations on the file signed by a number of residents of neighbouring properties. The main points of the observations can be summarised as follows:

- Submissions on application were not addressed by the Planning Authority.

- The proposed development will overlook and overshadow properties at Priorland Villas, Priorland Gardens and Muirhevna as well as properties at Dunmore.
- Shadow cast by 105 Muirhevna on 2<sup>nd</sup> July used as an example to illustrate potential impacts of proposal. The higher buildings proposed in the subject development will result in an even greater level of shadow cast and will impact properties/rear gardens of 105-108 Muirhevna.
- Separation distances are less than the required 22m in the County Development Plan.
- The proposed trees along the eastern boundary of the appeal site of 4.5m and 5m in height will worsen the resulting overshadowing.
- No reasonable conclusion can be made by the Planning Authority on overshadowing without a specific study.
- The proposal will result in traffic impacts on Dublin Road, making it unsafe.
- A 2m high boundary wall should be provided between the subject development and the properties at Muirhevna at a minimum.

## 7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

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

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

7.2.1. The proposed development seeks planning permission for the development of a residential scheme, which comprises a combination of semi-detached, detached and

terraced houses, and 2no. apartment blocks. The proposal ranges from 2-3 no. storeys in height. The appeal site is located on the northeastern side of the R215 (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' is 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.

- 7.2.2. 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 an 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.

- 7.2.3. 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. 54.5 units per ha.) was appropriate. They also noted that the site was serviced and situated within close proximity to schools, clubs, shops, the DkIT, Louth County Hospital etc. along the Dublin Road.
- 7.2.4. 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 provisions of the Compact Settlement Guidelines were incorporated into the Louth County Development Plan 2021-2027 through Variation No. 2, in May 2024.
- 7.2.5. The appeal site would fall within what could be described as a Centre and Urban Neighbourhood 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 these are strategic and sustainable development locations that are within the existing built-up footprint and it is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied at town centre and immediately surrounding neighbourhoods.
- 7.2.6. The subject development site is located 600m south of the Marshes Shopping Centre and immediately adjacent to a range of shops and services that constitute the urban core. The site is also adjacent to a number of established residential neighbourhoods.

I am satisfied that principle and the density of residential development (54dph) 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 within the settlement boundary of this Regional Growth Centre.

### **7.3. Residential Amenity**

- 7.3.1. The Third Party appellant resides in the property to the immediate east 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. The dwelling is served by a large landscaped rear garden which has a direct abuttal with the eastern 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 upper floor level windows of the dwellings within the 6no. terraced dwellings and the single detached unit proposed. 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, whereby the ground level of the appeal site is higher than surrounding properties.
- 7.3.2. 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 the proposed 3-bed, 2-storey detached unit is positioned c. 18m from the rear building line of the nearest properties at 105 and 106 Muirhevna. The terraced block of 6no. houses, 2-storeys in height, is setback a further 3 metres from the property boundary and the existing properties to the east at Muirhevna. First storey windows facing this boundary consist of bedroom and bathroom windows.

Given the separation of these dwellings relative to the appellant's property and other properties at Muirhevna, that are above the recommended minimum of 16m, I am satisfied that undue overlooking will not arise.

- 7.3.3. Unit Nos. 1 & 2 comprise 2no. semi-detached, 2-storey dwellings. Each dwelling has a southern orientation, and their rear amenity spaces will have a direct abuttal with the shared northern site boundary. I note that each rear garden of the proposed units at the northern boundary has a minimum depth of c. 4.6-7m with an overall separation distance of 20 metres to the properties to the north at Dunmore.
- 7.3.4. The proposed duplex units to the western boundary of the site are 3-storey in height with a set back of 5.5m from the boundary at ground level with a further setback at first and second floor level. The upper floors of the duplex block of 14no. units is set back a total of 21.4m at the nearest point from the existing detached dwelling to the west.
- 7.3.5. 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. Overall, I am satisfied that adequate separation distances have been provided and the proposed development will not unduly diminish the residential amenity of the adjoining properties to the east, west or north by reason of overlooking, consistent with objectives HOU20 and HOU25 of the Development Plan.
- 7.3.6. 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. It is contended by the appellant that the introduction of a 2-3 storey dwellings would be out of character with the prevailing density and pattern of development in the immediate surrounds. The appeal notes that the proposal 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.
- 7.3.7. As noted, the residential units proposed within the appeal site are adequately setback

from surrounding property boundaries, with each block having heights that range between c. 10m for the two storey dwellings and c. 12m for the three storey duplex and apartment blocks. I note that each block provides appropriate setbacks from adjoining properties. In their submitted documents, the Applicant notes that the houses are two storeys in height, consistent with the prevailing character of the area and the 3-storey element represents a minor increase in height that is permissible at this location. In addition, it is stated that the boundary treatments shall protect privacy of both the existing and future residents.

7.3.8. Having regard to the overall scale, height and form of the proposed development of 2-3 storeys, the setbacks provided from the eastern and western site boundary, the setback to the properties to the north and the design of the dwellings, whereby the 3-storey elements are setback within the site, I am satisfied that the proposed development will not unduly compromise the residential amenity of the properties in the vicinity by visual impact or by being visually overbearing.

7.3.9. The appellant's and observers on the appeal state that the proposed development would block out the natural light to surrounding properties 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 usability of rear gardens 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 contains general text 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 text 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 Development Plan 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 this is general text within Chapter 13 of the Development Plan and is not a policy or objective of the plan.

7.3.10. 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.

- 7.3.11. In the case of the subject proposal, undue impacts in terms of overshadowing or loss of daylight/sunlight to existing properties are unlikely to arise due to the adequate separation distances provided from properties to the north, east and west and the overall scale, height and form of the proposed dwellings. While some level of impact to rear amenity spaces may arise at certain times of the day, I am satisfied that the separation distances provided will allow adequate sunlight and daylight to reach surrounding properties throughout the day so as to maintain an adequate level of private amenity. I am therefore satisfied that the submission of daylight/sunlight assessment was not necessary in the case of the subject proposal and overall, I am satisfied that an appropriate balance has been struck in terms of providing a high quality design that is appropriate to the character of the area that also safeguards the amenity of properties in the vicinity, given the separation distances proposed.

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

- 7.4.1. The Applicant has sought to provide a legible development that is framed at the main entrance by two new 3-storey apartment buildings that provides a strong edge along Dublin Road. A public open space area is centrally located within the site, with passive surveillance provided from the majority of the blocks within the development. Public open space totalling 827sq.m. is proposed as part of the development and therefore is consistent with the minimum 10-15% prescribed under Section 13.8.15 (Public Open Space) of the current Plan. Overall, I am satisfied that the layout of the development has been carefully considered, where internal amenity has been facilitated, adequate setbacks to existing properties have been provided and the 2no. apartment blocks 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.

- 7.4.2. In terms of design, a contemporary architectural expression has been adopted. Vernacular features have also incorporated throughout the scheme such as the use of pitched roofs on the houses and apartment blocks, which is generally consistent with the character of properties in the vicinity. A contemporary palette of exterior materials has also been proposed which include a mix of red brick and render wall finish, timber, uPVC or Aluminium windows and doors and selected colour slates and matching rainwater goods. In addition, the own door apartment buildings are sensitively designed to assimilate with the surrounding built form and material palette.
- 7.4.3. 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. I note the prevailing building form in the area is 2-storey housing, 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, which is consistent with objectives HOU 26 and HOU 32 of the Development Plan that seek to provide an appropriate mix of development types consistent with the character of the area.

## **7.5. Access and Car Parking**

### *Access*

- 7.5.1. The appeal site is currently served by 1 no. agricultural entrance from the R215. The applicant submitted an Engineering Report and associated drawings with the application that sets out the access details, car parking and pedestrian/cycle facilities proposed within the scheme. It is proposed to close the existing entrance, and the site will be accessed via a centrally located entrance/exit which is positioned between the

two proposed apartment blocks. The section of the R215 along the frontage of the site is a single carriageway with a central 'ghost island' median zone. 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.

- 7.5.2. As part of the Applicant's proposals, it is proposed to access the site via a simple priority junction within a 50km/h speed zone. Visibility splays of 49m, 2.4m back from the road are proposed. This is consistent with the provisions of DMURS and Louth County Council Infrastructure Section were satisfied with this proposed arrangement. The internal access road serving the site is 5-5.5m wide with 1.8m footpaths. The Applicant notes that the internal road layout has been designed to be in keeping with the principles of DMURS and to allow turning areas for emergency vehicles.
- 7.5.3. Having regard to the Dublin Road alignment, which is relatively straight at the frontage of the subject site, and the posted speed limit of 50km/h that applies to this section of the R215, the overtaking constraints, and the low level of traffic entering and exiting the proposed development, 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.
- 7.5.4. The third party appeal claims that the proposed development will result in the generation of up to 60 vehicle movements to and from the site, based on the number of car parking spaces required and that a traffic impact assessment should have been submitted by the applicant. The applicant has proposed one car parking space per unit, which is consistent with Development Plan Car Parking standards and which I discuss further below. Notwithstanding the concern about the traffic generated by the proposed development and the potential impact on the R215 Dublin Road, which is one of the main arteries to Dundalk Town Centre, I am satisfied that the revisions to the road layout, where provisions are made for pedestrian and cycling infrastructure, will facilitate a reduction in car based trips from the proposed development. Overall, I am satisfied that the proposed development is acceptable from a roads layout and access perspective.

7.5.5. The appellant and observers submit that a TTA should have been submitted with the application. 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 or when proposed traffic flows would exceed the existing scenario by 5% or 10%, as per Table 2.1 of the Traffic and Transport Assessment Guidelines 2014. Therefore, given the total number of units proposed (31) there was no obligation for the Applicant to prepare a TTA given the scale of the development proposed in this instance. Car parking spaces are limited to one space per residential unit within the proposed scheme, with a total of 31 no. spaces and I do not consider this would generate a significant level of vehicular traffic that could have a major impact on existing traffic flows in the area. I note that the Planning Authority's Infrastructure Section have raised no concerns with respect to the adequacy of the Applicant's submitted details. Overall, I am satisfied that the information presented within the application information is robust and the development is in accordance with the relevant requirements of the current Plan.

#### *Parking*

7.5.6. The Applicant's Engineering Report notes that it is proposed to provide a total of 31 no. surface car parking spaces, including 2 no. disabled access spaces and 7 no. EV charging spaces. It is contended within the Engineering Report that the site is within Area 1 as outlined in Table 13.10 of the County Development Plan, which is land within 1km of Drogheda Train Station and that the site is therefore in accordance with the current Plan's requirements for residential developments of 1 space per house (31 spaces) It is unclear if this was an error in the submitted document given the subject site is 1.2km from Dundalk Train Station, which is not referred to in the categorization of Area 1.

7.5.7. The subject site is more appropriately categorized as Area 2, which is the Town Centre

of Dundalk Regional Growth Centre and the site is located within 400m of a range of bus services (168, 900, 901, 901D, 904 and 100 intercity service). The car parking standards for Area 2 are 1.5 per unit maximum and 1 per apartment. Given the location in proximity to bus services, as well as the proximity to Dundalk Town Centre, and considering the cycling and pedestrian infrastructure existing and planned adjoining the site, I am satisfied that 31no. car parking spaces will be sufficient for the subject development. Given that on-street parking will be limited to one per unit within the development, it is my view that the Applicant should be required to submit a Car Parking Management Plan or property management 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.

## **7.6. Landscaping & Boundary Treatments**

- 7.6.1. As noted, the development is to be served by a central public open space area. Additional communal open space is provided to the front of the site where an existing mature tree is to be retained. The Applicant's landscape architect has noted within their development site summary that the open space within the development was designed to assist in creating a high-quality residential development including semi mature tree, shrub and hedge planting. The primary open space benefits from passive surveillance, ease of access and sunlight penetration and provides for a formal lawn area with tree, shrub and wildflower planting to enhance biodiversity.
- 7.6.2. Section 13.8.11 of the development plan requires residential developments to provide a 2m high boundary wall to the rear of the property and for the side boundaries to also be 2m in height with no defined material treatment. As a measure to mitigate and reduce the potential visual impact of the development when viewed from the appellant's property to the east, and to the west, existing boundary hedging is to be cut back and augmented with in fill planting where gaps occur at both the east and west boundary. The existing boundary wall to the north of the site is to be screened with native hedge planting also. 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 properties. A reinstated native hedge is favourable for biodiversity and security

purposes, which can provide an effective boundary. I note the requirements of Section 13.8.11 of the Development Plan and that the east and western boundaries will form the rear boundary of the proposed units along these interfaces. I also note the concerns of the appellant and observers on this appeal in relation to security and therefore recommend a 2m high wall at the rear boundary, within the gardens of the proposed units. This can be addressed through the inclusion of a suitable condition with any grant of permission.

- 7.6.3. I am satisfied that a proposed boundary wall of 2m height will provide an adequate level of security and privacy to the appellant's property as well as other surrounding properties. Although the existing hedging, with relevant gaps infilled, will largely screen the wall when viewed from the east and west, it is my view that a boundary wall should be provided for added definition of boundaries with surrounding properties, and in the case of the western boundary, with the access path to the Ladywell Shrine. I also recommend that a condition be included which requires the Applicant to submit details as to how the viability of existing hedges will be maintained with the provision of boundary wall foundations and which is to be prepared by a 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 relevant policy objectives of the current Plan.

## **8.0 AA Screening**

- 8.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

- 8.2. The project comprises residential scheme of 31 units on greenfield lands at the southern edge Dundalk Town Centre. The site is served by public mains water and foul drainage. If permitted the proposed scheme would be subject to a connection agreement with Uisce Eireann. Surface water will be entirely dealt with within the confines of the site, in a manner consistent with SuDs principles.
- 8.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 8.4. An Appropriate Assessment Screening Report for the proposed development was submitted with the application. The assessment provides a description of the project site including the European sites within 15km of the subject site.
- 8.5. Given the site is within a developed urban area, relevant European sites are identified as Dundalk Bay SPA and SAC. Other sites in the wider area are not connected to the subject site and are therefore screened out. Dundalk Bay is identified as the premier site for waders in the country and includes several habitat types. Qualifying Interests are set out below:

Site Code and Name	Qualifying Interests
000455 Dundalk Bay SAC	<p>Estuaries Mudflats and sandflats not covered at low tide</p> <p>Perennial vegetation of stony banks</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p>
004026 Dundalk Bay SPA	<p>Greylag Goose; Grey Plover; Light-bellied Brent Goose; Lapwing;</p>

	Shelduck; Knot; Teal Anas; Dunlin; Mallard; Black-tailed Godwit; Pintail Bar-tailed Godwit; Common Scoter; Curlew Numenius; Great Crested; Redshank; Red-breasted Merganser; Black-headed Gull; Oystercatcher; Common Gull; Ringed Plover; Herring Gull; Golden Plover; Wetlands & Waterbirds
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8.6. As the subject site is not located within the SAC / SPA any impacts on the European site would be restricted to the discharge of surface water and foul water from the site, which could occur during both the construction and operational phases. However, given the scale of the proposed development, the indirect connection, and the distance from the closest European site, I am satisfied that the proposed development would not be likely to give rise to significant effects on any European site, either individually or in combination with any other plan or project. Having reviewed the documents on file, and having regard to the nature and scale of the proposed development and the location of the site in a serviced settlement with an indirect connection via a hydrological pathway to a European site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## 9.0 Recommendation

I recommend that permission is granted.

## 10.0 Reasons and Considerations

10.1. Having regard to the objectives of the Louth County Development Plan 2021-2027, the nature, scale and design of the proposed development, its location within an established residential area and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities

of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 18<sup>th</sup> July 2023, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> day of January 2024, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Landscaping</p> <p>a. Prior to the commencement of development, the Applicant shall submit a revised landscape layout plan which provides a 2m high eastern and western boundary wall to the satisfaction of the Planning Authority.</p> <p>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, including boundary treatments, 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.</p> <p>c. Prior to the commencement of development, the Applicant shall demonstrate and submit details prepared by the consultant landscape</p>



	<p>architect/arborist as to how the viability of the existing hedges along the eastern and western site boundary will be maintained.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours, and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>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.</p> <p><b>Reason:</b> 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.</p>
5.	<p>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.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
6.	<p>Prior to commencement of development, the Applicant shall submit to the Planning Authority a Car Park Management Plan illustrating the signing, lining and allocation of the car parking spaces within the development and details of the management of same.</p> <p><b>Reason:</b> In the interests of managing a shared car parking provision.</p>

7.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
9.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
10.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
11.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>
12.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>

13.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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,</p>

	<p>as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

	<p>planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Matthew McRedmond  
Senior Planning Inspector

23<sup>rd</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 319238-24</b>			
<b>Proposed Development Summary</b>	Demolition of existing agricultural building and construction of 31 no. dwellings and all associated ancillary site works.			
<b>Development Address</b>	Marshes Upper, Dublin road, Drogheda, 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>	√	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	√		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	√	Class 10 (b) (i)	Proposed 31 unit development does not meet or	Proceed to Q.4

			exceed 500 unit threshold	
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

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

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