Inspector's Report
ABP-322222-25

Development	Large scale residential development (LRD): Development of 194 apartments in 8 blocks with a childcare facility within Block A and all associated site works.
Location	Hill Street/Dublin Road, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560018
Applicant(s)	Zirbac DLK Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party vs. Refusal
Appellant(s)	Zirbac DLK Ltd
Observer(s)	Ina Doyle
	Marie Therese & Gerard Blundell
Date of Site Inspection	16th June 2025
Inspector	Stephen Ward

Contents

1.0 Site Location and Description

1.1. The site is located to the south of Dundalk town centre, approximately 1km from Market Square. It is bounded by Hill Street/Dublin Road (R132) to the west, including the rear of an existing residential terrace (Line Terrace). To the northwest is a small residential development known as Gosling's Terrace, while the northern end of the site extends to the Blackwater River close to the rear of residential terraces along Avenue Road. The adjoining land to the east is mostly undeveloped, although it does include Mourne View Hall (student accommodation) and the Dunmore housing estate further to the east. To the southeast is Mourne View Terrace (a small residential development). There is a disused fuel filling station and associated vacant buildings/land to the south.

1.2. The site has a stated gross area of 3.05ha. It was previously used for commercial development, but all structures have been demolished. The majority of the site is densely covered by scrub vegetation and a dispersed mix of trees (willow, birch, elder), while parts of the northeastern section are marshy. It is generally flat but slopes gradually downwards to the northeast. The Ramparts River runs from south to north in a culverted section through the site. The River Blackwater also originates (through a controlled flow outlet from the Ramparts River) from a central part of the site and runs in a northern direction before turning east along the northern site boundary.

1.3. The site includes an existing vehicular entrance and access road off Dublin Road at the southern end of the site. The access road is c. 200m long and serves the existing Mourne View Hall student accommodation. There is a pedestrian/cycle pathway running along the route of the culverted section of the Ramparts River from the Dublin Road to Avenue Road.

2.0 Proposed Development

2.1. In summary, permission was sought for a large-scale residential development and associated works comprising the following:

- Construction of 194 no. apartments in 8 no. blocks (A-H) ranging in height from part one-storey to five storeys comprising:

- 32no. 1-bed units (c. 16.5%)
- 133no. 2-bed units (c. 68.5%), and
- 29 no. 3-bed units (c. 15%).

- All associated public, communal and private open space, car parking, cycle parking (including lockers) and bin storage structures.
- All associated site development works and services including public lighting and 2no. ESB substations.
- Site works include the raising of the site in parts and the diversion of existing piped infrastructure.
- A childcare facility within Block A.
- Two separate vehicular accesses (one new and one existing) are proposed from Dublin Road/Hill Street.
- A pedestrian/cycle only link will be provided across the Blackwater River.
- A new bus stop will also be provided along Dublin Road along with cycle stands for the proposed Dundalk Bike Scheme.

2.2. Surface Water is to flow by gravity via a series of pipe networks, Raingardens, Filter drains, Permeable Paving, Silt Trap Manholes, Road Gullies, attenuation tanks, flow control valves and Petrol Interceptors into strategically located attenuation tanks with pumped controlled outfalls to the adjacent Blackwater River. The strategy splits the development site into 2 plots: Plot A west of the Blackwater and Plot B to the east.

2.3. A new surface water drainage network will manage run-off volumes through onsite storage with surface rates less than the current greenfield rates for all hardstanding areas including roofs, roads and pavements. Storm water storage for a 100-year storm with 30% additional Climate Change Factor is included in the design. Petrol Interceptors have been provided to capture any oils and hazardous substances such as hydrocarbons, metals, and suspended solids. Raingardens (Bioretention facilities) have been included to increase rain run-off reabsorption into the soils and for plants. Permeable paving in the carparking area provides additional storage and infiltration at source.

2.4. It is proposed to discharge the wastewater flows from the proposed development to an existing Irish Water wastewater sewer network running though the centre of the site. Due to site constraints, it will be necessary to collect the foul sewage into foul water storage tanks - one for Plot A to the west of the site and one for Plot B to the east of the site with 24-hour storage capacity. Pumping to the IW Foul Water Sewers out of high demand hours may be considered.

2.5. For potable water supply it is proposed to connect into an existing Irish Water 150mm mains on the Mourne View access road to the southeast.

2.6. Based on the application information, the key figures for the proposed development are summarised in the following table:

Site Area	3.05 ha (gross)
Residential Units	194
Density	64 dph
Site Coverage	22.6%
Dual Aspect	66%
Other Uses	Creche (212m^2)
Communal Open Space	2,409m²
Public Open Space	5,250m² (17% of site area)
Car Parking	143 spaces (inc. 10 no. accessible & 26 no. EV)
Cycle Parking	642 (including 8 no. for Dundalk Bike Share Scheme)

2.7. In addition to the standard plans and particulars, the application is accompanied by documents and reports including:

- Environmental Impact Assessment Screening – Preliminary Examination
- Appropriate Assessment Screening Report
- Ecological Impact Assessment Report
- Responses to Opinion Statement
- Statement of Consistency
- Architectural Design Statement

- Housing Quality Assessment
- Landscape and Public Realm Design Statement
- Outline Planting Maintenance Scheme
- Arboriculture Assessment and Impact Report
- Engineering Services Report
- Site-Specific Flood Risk Assessment
- Traffic and Transport Assessment, Preliminary Mobility Management Plan, and Road Safety Audit
- Preliminary Construction Methodology & Environmental Management Plan
- Site Investigation Report
- Public Lighting Report
- Daylight, Sunlight & Overshadowing Study
- Verified Photomontages
- Energy and Sustainability Statement
- Community Audit
- School and Childcare Facility Assessment
- Archaeological Assessment
- Townscape and Visual Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 10th March 2025, the planning authority made a decision to refuse permission for the following reasons:

1. The proposed development is located in an area of land that is identified as a flood risk, emanating from the Black Water River along the northern site boundaries. There is also an open drainage ditch that runs along most of the

western boundary. In accordance with the "The Guidelines for Planning Authorities - The Planning System and Flood Risk Management", November 2009 and Policies IU 26-28 and IU 33 of the Louth County Development Plan 2021-2027, as varied, seeks that "New development should be avoided in areas at risk of flooding". There is a significant flood risk to surrounding areas due to the displacement of existing flood storage capacity on the site. The proposed development would increase ground levels in a site which is currently susceptible to flooding. The submitted proposals would, therefore, represent an unacceptable hazard to existing properties in the vicinity of the site, future occupants of the development and emergency services personnel during a Flood Event and be contrary to the Policies IU 26-28 and IU 33 of the Louth County Development Plan 2021-2027, as varied and contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application, including the NIS, and in light of the assessment carried out, the Planning Authority is not satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European Sites (Dundalk Bay SAC and SPA) and other sites in the Natura 2000 network in view of the sites' Conservation Objectives primarily due to the flood risk concerns that pertain to the site. In such circumstances, the Planning Authority is precluded from granting planning permission.

3. The Planning Authority considers that the proposed development is contrary to the provisions of Section 28 Guidelines, namely the "Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities" in that no Building Life Cycle report has been submitted. Further, there is insufficient space set aside for communal storage and waste/dry recyclable areas. The proposed development does not provide adequate bulk storage areas for residents. It is also noted that some of the floor areas associated with the bedrooms fall below the minimum standards having specific regard to the storage area requirements and the overall floor area of

the majority of the apartments does not exceed the minimum standards by 10%. The proposed development, therefore, would give rise to poor residential amenity for future residents and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The main aspects of the assessment outlined in this report can be summarised under the headings below.

Principle of Development

- The site is zoned 'A1 Existing Residential' in the County Development Plan, the statutory plan for the area.
- Under the Draft Dundalk Local Area Plan, the zoning has been amended to include a 'H1 Open Space' zone on the part of the lands identified as being at flood risk.
- The applicant's Site-Specific Flood Risk Assessment does not address key concerns, specifically the potential impact of displaced floodwaters; the effectiveness of the proposed surface water management measures; broader environmental consequences of exacerbated flooding; and does not take into account the most up-to-date flood extents provided by the emerging findings of the Dundalk Flood Relief Scheme. Accordingly, a more comprehensive and robust assessment is required to ensure compliance with best practice flood risk management and environmental protection.
- The proposed development aligns with the CDP Core Strategy for Dundalk.

Layout, Design and Height

- The creche is appropriately sized and designed, although there are concerns about the design of the set-down/drop-off area with regard to the safe and convenient flow of vehicular and pedestrian traffic.
- The proposed density is acceptable in accordance with the Compact Settlement Guidelines and the proposed housing mix is acceptable.

- Given discrepancies in relation to the proposed increase in ground levels, a more comprehensive and verified assessment is required to ensure the development is properly integrated into its setting. However, it is considered that Blocks E and F will have an unduly adverse impact on Gosling Terrace and Line Terrace and impacts (including sunlight) on a recently approved dwelling (Ref. 24115) have not been considered.
- The standard of accommodation is assessed with reference to a range of other policy standards and concerns are raised in relation to:
    - The degree of privacy afforded to private open spaces serving the ground floor apartments in Block H.
    - The accuracy of the Housing Quality Assessment (HQA) on the basis that it uses the aggregate bedroom area and omits an assessment of individual room sizes, as well as discrepancies with plans and particulars.
    - The requirement for the majority of units to have more than 10% of the minimum floor area.
    - A lack of clarity regarding adequate internal storage space and the absence of any additional/external bulk storage space.
    - Lack of waste storage space to support the 3-bin system.
    - The absence of a Building Lifecycle Report.

Traffic and Transportation

- The application has not fully addressed the planning authority recommendation regarding the daylighting and management of the culvert and a parallel watercourse. This may materially affect the location and functionality of the proposed accesses.
- The proposed parking ratios are acceptable in principle, but further details are required in relation to the mobility management plan and parking management.

Flood Risk

- The FRA does not reflect the up-to-date flood zones A and B (proposed to be zoned ‘green space’) as per the draft Dundalk LAP, which clearly shows larger flood areas than previously acknowledged.

- The FRA requires a 2D hydraulic model that clearly demonstrates how the proposed compensatory flood storage mechanism will function.
- The FRA should address UK Environment Agency guidance that compensatory floodplain storage should accommodate the same volumes at every flood level before and after the works, and that it must be able to freely fill and drain.
- The FRA fails to include key hydraulic modelling parameters as follows:
    - Flow path analysis to demonstrate that altered site levels will not negatively impact properties, roads, or downstream areas.
    - Hydraulic impact of daylighting existing culverts, particularly impacts on the flow regime at the split of the Ramparts River and Blackwater River.
    - Inadequate consultation with LCC on the Dundalk Flood Relief Project.
    - The need to incorporate Riparian Corridor Protection as per the CDP.
- Much of the development within Flood Zones A and B is classified as 'highly vulnerable' and requires a 'Justification Test'. However, the applicant's test is overly simplified and does not fully address the complexities of the site. The applicant's rationale does not consider the long-term implications including potential displacement of flooding and the effectiveness of mitigation.
- Other key concerns remain unresolved, including potential impacts on water quality and European Sites.
- Based on the above, refusal is recommended.

<u>Wastewater</u>

- The Uisce Eireann submission outlines that the full build-out of the scheme requires upgrades to the wastewater network, which are due to be completed by Q4 2029, but that targeted interim measures will accommodate wastewater connections for the initial phases of the development. The planning authority notes that the development is to be constructed in a single phase and is concerned that the existing wastewater network does not have adequate capacity to facilitate the proposal.

Surface Water

- The application has not demonstrated how the proposed drainage system will function during storm events. Despite the existing drainage constraints on site, it is proposed to discharge to existing rivers during storm events.
- The stormwater attenuation tanks B1 and B2 are designed to pump stormwater into the Blackwater River. However, sufficient evidence has not been provided to confirm adequate surplus capacity to manage flows during a 1:100-year event.
- The applicant must clearly outline the legal and operational management arrangements for maintenance of the surface water infrastructure.
- In the absence of a hydraulic model incorporating the storm drainage network and its pumped discharge, it remains ambiguous how flow rates will be controlled below pre-development levels. Without this critical analysis, the drainage strategy cannot be considered fully robust or compliant with best practice flood risk management.

Ecology

- A bat roost potential assessment has been carried out which identifies one tree with limited roost potential and recommends further assessment before any tree removal. The planning authority has concerns about potential adverse impacts on bats in the absence of a full bat emergence and resurgence survey.
- The EcIA identifies two invasive species on the site. While it provides general mitigation measures, these are not reflected in the CEMP and the planning authority has concerns about adverse impacts on biodiversity in the absence of an Invasive Species Management Plan.

EIA Screening

- This is a sub-threshold development. Based on the information provided and the nature, size and location of the development, there is no real likelihood of significant effects on the environment and EIAR is not required.

Appropriate Assessment

- Having regard to the precautionary principle and the outstanding flood risk concerns, which could alter hydrology, water quality, and habitats, including

impacts on protected species and ecosystems within the Dundalk Bay SPA and Dundalk Bay SAC, the potential effects require further investigation in the form of a Stage 2 Natura Impact Statement.

Conclusion and Recommendation

- The report recommends that the application should be refused, and this forms the basis of the LCC decision.

3.2.2. **Other Technical Reports**

Housing: Not on file. Planner's Report indicates that further information was requested relating to Part V costs and calculations.

Environment: No objection subject to conditions.

Placemaking and Physical Development: The report recommends refusal based on flood risk concerns which have been incorporated into the Planner's Report (as outlined above). Other issues are raised in respect of:

- The incorporation of a shared pedestrian / cyclist corridor along with daylighting of associated culverts.
- Compliance with policy standards for road widths, road lengths/alignment, and turning bays.
- Provision of bike stands at the entrance to facilitate LCC's Bike Share Scheme.

3.3. **Prescribed Bodies**

Uisce Eireann

Confirmation of Feasibility has been issued advising that water/wastewater connections are feasible subject to upgrades.

Water: Connection is feasible without infrastructure upgrade.

Wastewater: Connection is feasible subject to upgrades of the capacity of the existing network as per the Dundalk East Wastewater Network project.

It is requested that any grant of permission includes standard conditions.

Department of Housing, Local Government and Heritage

Notes the large scale of the development and the inclusion of the Rampart River historically within forfeited lands to the south of the walled town of Dundalk. The development could impact on subsurface archaeological remains. It is recommended that an Archaeological Impact Assessment (including test excavation) should be submitted as further information before a planning decision is taken. It also recommends a 15m buffer along the Rampart River shall be implemented within any design strategy.

An Taisce

The submission highlights the need to consider the following:

- Recommended guidance documents on the reduction of light pollution.
- Biodiversity Management of green spaces.
- Contribution to improved transport connectivity and permeability.
- Consideration of social infrastructure as per Policy Objective SC 11 of the CDP.
- Assessment against Article 4 of the Water Framework Directive.

Louth County Childcare Committee

Supports the development of a childcare facility in the area and recommends the incorporation of a range of design and construction standards.

3.4. Third Party Observations

The planning authority received 17 third-party observations from surrounding residents. Many of the issues raised are covered by the observations on the appeal (see section 7.3 of this report). Any other issues raised can be collectively summarised as follows:

- The ecological importance of the site for a range of habitats and species and the availability of other less ecologically sensitive land for development.
- Construction-related impacts, including flooding, traffic, structural damage.
- Anti-social behaviour associated with the walkway.

- Excessive building height and density, including lighting, shadow, and privacy effects for local residents.
- Traffic congestion on the surrounding road network, including air pollution.
- The omission of a permitted dwelling at Gosling Terrace (P.A. Ref. 24115) and potential impacts relating to visual, privacy, and overshadowing.
- Inadequate sewerage and drainage system in Gosling Terrace.
- Lack of maintenance of the Blackwater River and associated flooding concerns.
- Potential pollution of the Blackwater River and Dundalk Bay.
- Impacts on water and electricity consumption in the area.
- Limited local public transport services and facilities.

4.0 Planning History

There would not appear to be any relevant recent planning history for the appeal site. The relevant history of adjoining lands can be summarised as follows:

P.A. Reg. Ref. 211121: On the adjoining site to the east, permission was refused by LCC in October 2021 for development consisting of demolition of an existing storage shed and construction of 66 no. residential units and associated works. The reasons for refusal can be summarised as follows:

1. The proposed access would materially contravene an open space/recreation zoning.

2. The proposal would represent an unacceptable flood risk hazard.

3. Failure to submit SuDs and attenuation proposals would contravene the Development Plan.

4. The layout, design and density would conflict with national guidelines and fails to provide an optimal design solution having regard to the existing site features and pattern of surrounding development.

5. The planning authority is not satisfied that the 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.

P.A. Reg. Ref. 24115: On an adjoining site in Gosling's Terrace, permission was granted in January 2025 for construction of a single-storey type dwelling house, domestic garage, and associated works.

ABP Ref. 321081-24 (P.A. Reg. Ref. 2460433): On site located on the opposite (west) side of Hill Street / Dublin Road. Current appeal case by Dundalk Grammar School against the LCC decision to refuse permission for an outdoor sports and recreational development. The reasons for refusal include issues relating to flood risk, drainage, and impacts on the Dundalk Bay SAC and SPA.

5.0 Policy Context

5.1. National Policy/Guidance

5.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' 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.

5.1.2. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. It contains several relevant policy objectives that articulate the delivery of key elements, including:

- NPO 5 - The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda-Dundalk-Newry cross-

border networks will be supported in the relevant Regional Spatial and Economic Strategy and in Regional Enterprise Plans.

- NPO 9 aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 11 outlines that planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 43 is to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location.
- NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.
- NPO 77 - Enhance water quality and resource management by fully considering River Basin Management Plan objectives and integrating sustainable water management solutions.
- NPO 78 - Promote sustainable development by ensuring flooding and flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management, and taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation.
- NPO 79 - Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature based solutions.

- NPO 92 - Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

5.1.3. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Board is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

5.1.4. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 8.7 and 10 of this report.

5.1.5. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage, (hereafter referred to as '*the Compact Settlement Guidelines'*).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (July 2023) (hereafter referred to as the '*Apartments Guidelines'*).
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the '*Building Height Guidelines'*).
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines'*).
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the '*Childcare Guidelines'*).

5.1.6. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance 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).

5.2. **Regional Policy**

5.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (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. It recognises Dundalk's role as a Regional Growth Centre to act as a regional driver of city scale with a target population of 50,000 by 2031. Key to the

success of Dundalk as a self-sustaining Regional Growth Centre is targeted compact growth through the renewal and regeneration of underused, vacant and/or derelict town centre lands. Relevant Regional Policy Objectives (RPOs) can be summarised as follows:

RPO 4.19 - A statutory Urban Area Plan (UAP) shall be prepared.

RPO 4.25 - Support the proposed Dundalk Flood Relief Scheme, subject to the outcome of appropriate environmental assessment and the planning process.

5.3. **Louth County Development Plan 2021-2027 (LCDP)**

Relevant provisions of the LCDP are summarised hereunder.

5.3.1. Core Strategy

Table 2.15 outlines that Dundalk has a housing allocation of 2,447 units (2021-2027), including the potential to accommodate 1,743 units on infill / brownfield lands. The main relevant Settlement Strategy Policy Objectives for Dundalk can be summarised as follows:

SS21 - To support sustainable high-density development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.

SS22 - To support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any building making a positive contribution.

SS24 - To promote and facilitate the development of key opportunity or regeneration sites within or proximate to the town centre.

SS31 - To work with the NTA, local landowners, and developers to implement an integrated pedestrian and cycle path network throughout Dundalk.

5.3.2. Zoning

Under the Dundalk Zoning and Flood Zones Map the site is zoned as ‘A1 Existing Residential’, the objective for which is ‘To protect and enhance the amenity and character of existing residential communities’. Residential development is listed as a ‘Generally Permitted Use’ in this zone. Flood Zones A and B are shown to overlap

the north-eastern corner of the site, while there also appears to be some extent of Zone A along the route of the Ramparts River.

5.3.3. Housing

HOU8 - To promote the sustainable development of vacant residential and regeneration sites.

HOU10 – To support the creation of sustainable communities.

HOU15 - To facilitate a higher, sustainable density that supports compact growth and the consolidation of urban areas, subject to local context.

HOU16 - To support increased building heights in appropriate locations in Dundalk.

HOU25 - Residential developments shall be designed in accordance with the Development Management Guidelines set out in Chapter 13 of the Plan.

HOU26 - To require the provision of an appropriate mix of house types and sizes.

5.3.4. Social & Community

SC11 - To require that all new residential development applications on lands greater than 1ha or for 100 units or more are accompanied by a Community, Social and Cultural Infrastructure Audit and proposals to address any identified deficiencies.

SC17 - Require the provision of play features that can be used for recreational purposes in all new housing developments exceeding 100 residential units or more.

SC35 - To support childcare facilities in appropriate locations and seek their provision concurrent with new residential development, all having regard to the Childcare Facilities Guidelines for Planning Authorities (2001), Childcare Regulations (2006), and consultation with the Louth County Childcare Committee.

5.3.5. Movement

MOV7 - To support a modal shift away from the private car to more sustainable forms of transport.

MOV25 - To support the retrospective provision of walking and cycling infrastructure in existing settlements, where feasible.

5.3.6. Natural Heritage, Green Infrastructure and Biodiversity

NBG3 - To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

NBG12 - Prevent and control the spread of invasive plant and animal species.

NBG13 - Development sites must be investigated for the presence of invasive species, which if present must be treated and/or eradicated in accordance with best practice. Where appropriate, Invasive Species Management Plans will be prepared.

NBG41 - To support the green infrastructure network of County Louth and ensure its implementation in the assessment of all development proposals to prevent adverse impact on the ecological connectivity of County Louth's Core Areas.

NBG44 - To protect, maintain, and enhance the natural and organic character of the watercourses in the County, including opening up to daylight where safe and feasible. The creation and/or enhancement of riparian buffer zones will be required where possible. All proposed coastal walkways will be required to comply with the Habitats, EIA and SEA Directives.

NBG57 - To ensure that no development, including clearing or storage of materials, takes place within a minimum distance of 10m measured from each bank of any river, stream or watercourse.

5.3.7. Built Heritage and Culture

Chapter 9 includes a range of policy objectives aimed at protecting archaeology. This includes, as summarised:

BHC3 - To protect known and unknown archaeological areas, sites, monuments, structures and objects, having regard to the advice of the National Monuments Services of the Department of Housing, Local Government and Heritage.

BHC8 - To protect and preserve in situ all surviving elements of medieval town defences (both upstanding and buried) and associated features in accordance with the Conservation and Management Plans as applicable and 'National Policy on Town Defences' (Dept of Environment, Heritage and Local Government 2008).

BHC10 - To require, as part of the development management process, archaeological impact assessments, geophysical surveys, test excavations and

monitoring, as appropriate, where development proposals involve ground clearance of more than half a hectare or for linear developments over one kilometre in length or for developments in proximity to areas with a density of known archaeological monuments and history of discovery, as identified by a licensed archaeologist.

5.3.8. Infrastructure & Public Utilities

IU6 - To require all new developments connect to the public supply where public water and wastewater infrastructure is available or likely to be available and which has sufficient capacity.

IU8 - To discourage the use of pump stations for conveyance of sewage unless the proposed pump station will cater for a significant catchment of zoned development lands that otherwise cannot be serviced. Where deemed appropriate, in consultation with Irish Water, temporary pumping arrangements may be considered as an interim measure, pending the provision of more permanent arrangements within a reasonable timeframe. All arrangements for same will be as per the requirements and agreement of Irish Water.

IU19 - Requires Sustainable Drainage Systems to be incorporated in all new development.

IU20 - Require all development proposals meet the design criteria, (adjusted to reflect local conditions), and material designs contained in the Greater Dublin Strategic Drainage Study (GDSDS).

IU26 – 28, 33 – These Policy Objectives relate to flood risk. See section 8.3 of this report for further details.

5.3.9. Development Management Guidelines

Chapter 13 outlines a range of guidelines and standards, including those in relation to housing in urban areas.

Table 13.3 outlines recommended minimum density (50 uph) and plot ratio (2) standards for Dundalk town/village centre.

S. 13.8.9 outlines standards in relation to residential amenity and privacy.

S. 13.8.15 outlines that public open space provision in the range of 10-15% of the net site area shall be provided.

S. 3.8.16 outlines guidance on the quantity and quality of private open space.

S. 13.8.18 and Tables 13.11 and 13.12 outline car and cycle parking standards.

S. 13.8.19 deals with Bin Storage.

S. 13.8.27 outlines a range of standards for apartments in accordance with 'Design Standards for New Apartments' (2023).

S. 13.8.32 deals with infill and backland development where standards may be relaxed in certain circumstances, particularly if it will result in the development of vacant or under-utilised lands in central areas of towns and villages.

S. 13.16.12 outlines that a reduction in the car parking requirement may be acceptable subject to certain specified criteria.

S. 13.16.16 outlines cycle parking standards.

S. 13.20 outlines guidance on water services, including water supply, wastewater collection, and SuDS.

5.4. Dundalk Local Area Plan 2025-2031 (DLAP)

5.4.1. The Dundalk Local Area Plan was adopted by the members at a Special Council Meeting on the 6th March 2025. The Plan came into effect on the 17th April 2025. The main relevant provisions are outlined below.

5.4.2. Alignment with the CDP

Section 1.10 and Policy Objectives DM2 and DM3 outline provisions regarding the interpretation of the DLAP and its alignment with the CDP.

5.4.3. Zoning

The majority of the site zoning is consistent with the CDP, i.e., 'A1 Existing Residential'. However, a significant portion of the northern end of the site is zoned 'H1 Open Space', the objective for which is '*To preserve, provide and improve recreational amenity and open space'*. The extent of the H1 zoning is consistent with the enlarged extent of Flood Zones A and B (i.e. compared to the CDP maps).

5.4.4. Development Strategy

The phasing strategy for the release of residential lands focuses primarily on lands zoned ‘A1 Existing Residential’ or ‘A2 New Residential Phase 1’.

5.4.5. Sustainable Neighbourhoods & Communities

Section 5.6 defines a ‘building of height’ as being 4 storeys or higher and Table 5.1 outlines ‘Areas Suitable for Buildings of Height’, although proposals outside of these locations will be considered on a case-by-case basis.

Policy Objective S6 supports increased building heights in appropriate locations, subject to the consideration of a Design Statement demonstrating compliance with the criteria set out in Section 5.6.1 of this Plan and any other relevant criteria in the County Development Plan or Section 28 Guidelines.

Section 5.7 (Table 5.2) recommends minimum densities of 50 uph for the ‘Town Centre and Urban Neighbourhood’, which is supported by Objective SC7.

5.4.6. Movement

Chapter 8 outlines a range of measures based on the Local Transport Plan (LTP).

Map 8.1 records the existing ‘cycle lane’ running through the site. Map 8.2 (Proposed Active Travel Infrastructure Measures) outlines ‘ongoing cycle projects’ along this route and also ‘proposed cycle network (Phase 1)’ along the Mourne View Access Road. Objectives MOV7 & MOV8 support the implementation of such measures.

Map 8.3 shows a range of ‘proposed bus routes’ along Dublin Rd/Hill Street.

5.4.7. Infrastructure

Section 9.6.1 outlines that work was ongoing with regard to the preliminary design of the Dundalk and Blackrock Flood Relief Scheme. The progression and delivery of the scheme is supported by Objectives INF17 and INF18. INF 19 requires site-specific flood risk assessments to be based on the most up to date information available, while INF 20 outlines that *inter alia* ‘*Local Area Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping*’ should be consulted.

5.4.8. Culture & Heritage

CH18 - To protect and enhance Dundalk's Green Infrastructure in accordance with the details and recommendations included in Table 10.8 'Dundalk's Green Infrastructure Features and Potential for Enhancement'.

5.5. Natural Heritage Designations

5.5.1. The nearest Natura 2000 sites are the Dundalk Bay SPA and Dundalk Bay SAC (both distanced c. 1.6km to the northeast). Dundalk Bay is also a proposed Natural Heritage Area.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is significant and realistic doubt regarding the likelihood of significant effects on the environment. Therefore, Schedule 7A Information is required to enable a Screening Determination to be carried out. However, in light of the more substantive concerns outlined in my report, I do not recommend that Schedule 7A information is requested.

7.0 The Appeal

7.1. Grounds of Appeal

The LCC decision to refuse permission has been appealed by the applicant. The appeal includes drawings showing a revised proposal for 190 apartments, incorporating:

- Removal of 1 no. 2-bed unit in each of Blocks A-D to provide bulky storage.
- Minor adjustments to the bicycle and bin storage areas.
- Revisions to the apartment unit sizes.

The relevant aspects of the grounds for appeal can be summarised under the following headings:

LCC Assessment

- The internal reports lack technical or evidence-based assessment, particularly the 'Physical Infrastructure and Placemaking section'.
- The reports rely on high level flood risk information contained in the Draft DLAP. However, the Draft DLAP (Objectives DM2 and DM3) makes it clear that the provisions of the CDP continue to apply to matters including zoning, text, policy objectives, maps and appendices until such time as the CDP has been varied to address the DLAP.
- The LCC Planner's zoning assessment is fundamentally flawed as it considers the zoning/flood maps contained in the Draft DLAP.

Surface Water & Flooding

- Appendix F of the appeal is a detailed review by OCSC Engineers of the LCC assessment approach. The review confirms that the SSFRA does consider the potential impact of displaced floodwaters and the effectiveness of the proposed surface water management measures.
- The LCC Planner's Report refers to 'the most up-to-date flood extents' but any such information has not been provided to the applicant. The application has used the most up-to-date available data, and the Board should discard any references to data that was not provided to the applicant.
- The 'Flooding Department' of LCC has not commented on the application. It may be a case that LCC is exploring flood defence options, and the application has been refused 'to keep all options open' rather than any 'solid evidence-based reason'. The planning system cannot operate in such a manner.
- The FFL of the proposed sub-stations (+5m) is above all flood extent levels. The final location of the sub-station serving the eastern part of the site can be agreed in consultation with ESB Networks prior to commencement of development.
- The childcare facility is not proposed within any flood designation, and the majority of residential development is similarly unaffected by flood zones.

- The Place Making & Physical Infrastructure report incorrectly states that the site is within Flood Zones A & B, and that Blocks B & E would be within flood zones.
- Only a portion of the site is in a flood risk area. The applicant has provided a Justification Test for this area and mitigation measures to include a compensatory flood storage area which will also act as a park.

Building Height

- It is noted that the planning authority raised concerns about existing ground levels and proposed finished floor levels. Level details are again resubmitted along with details section drawings for parts of the site about which LCC raised residential amenity concerns. Additional daylight / sunlight / shadow analysis (Appendix I of the appeal) also confirms that there will be no serious harm to residential amenity.
- The proposed height is compliant with SPPR 4 of the Building Height Guidelines and the Development Management criteria included therein.

Residential Standards

- A Building Lifecycle Report has been submitted with the appeal.
- There are conflicting comments about compliance with internal storage requirements and external waste storage in the LCC Planner's Report. The drawings and schedule attached to the appeal confirm that requirements are met.
- All apartments meet the internal space requirements of the Apartments Guidelines and provide adequate storage in addition to kitchen and bedroom storage. However, the drawings included in the appeal show that bulky storage can be provided through the omission of 1 apartment in blocks A-D.
- Storage in bedrooms is in addition to the minimum bedroom areas.
- The planning authority is incorrect in its conclusion that the overall floor area of the majority of apartments does not exceed minimum standards by 10%, as is outlined in the HQA and associated calculations.
- Refusal reason no. 3 has been included to 'bulk out' the decision but only highlights its weakness. The issues could easily have been addressed through further information or by condition.

Traffic & Transportation

- LCC comments related to ‘access arrangements’ do not relate to the development as proposed. It appears to relate to the daylighting of the existing culvert. The appeal confirms that there are no changes proposed to the existing culverts and headwall on site in this application.
- The culverts are underneath the existing cyclepath / footpath developed by LCC in 2021. If it is the intention of LCC to daylight the culverts, it should have been done prior to investment in the route and associated lighting and seating.
- The site layout has been auto-tracked to ensure adequate turning areas as outlined in the drawings and documents submitted in the application and appeal. The relevant standards and dimensions have changed significantly since ‘Recommendations for Site Development Works for Housing Areas’ (referenced by LCC).
- Regarding speed management, the proposal was subject to independent Road Safety Audit, and the provision of raised table junctions and tightened junction geometry/radii in accordance with DMURS (as confirmed in the TTA).
- The proposed development includes the provision of bicycle stands at the entrance as well as a bus shelter.
- The details of a mobility management plan could be agreed by condition in accordance with standard practice.
- The creche set-down area is generous in area and will operate very well as demonstrated by ‘autotrack’ drawings.

Wastewater

- The Confirmation of Feasibility from Uisce Eireann makes it clear that the development of 194 units can be facilitated in advance of the planned upgrades under the Dundalk East Wastewater Network Project.

Ecology

- Consistent with the EcIA, any concerns about bats can be addressed through a standard condition requiring a pre-commencement survey to determine if a derogation license would be required.

- Concerns about invasive species can be addressed through a standard condition requiring pre-commencement agreement of a CEMP to include proposals for the treatment and eradication of invasive species.
- Appendix H by Enviroguide reaffirms that there is no probability of the proposed development by itself or in combination with other projects giving rise to significant impacts on the integrity of any Natura 2000 sites.
- It follows that if the concerns relating to flooding cannot be substantiated, then refusal reason No. 2 falls away in entirety.
- The submission from the Department of Housing, Local Government and Heritage did not see fit to make any submissions on natural heritage.
- A 10-meter buffer has been maintained between the top of the riverbank and proposed buildings.

Local, Regional, and National Policy/Guidance

The appeal includes a section which outlines how the proposed development is consistent with the relevant provisions of the LCDP, the RSES, and national policy / guidelines.

7.2. Planning Authority Response

The LCC response to the appeal can be summarised under the following headings.

Flooding & Zoning

- The SFRA for the Draft Dundalk LAP identifies increased flood extents.
- The 2016 Neagh Bann CFRAM Study model has been reviewed with relevance to the Dundalk Flood Relief Scheme, using the following considerations:
    - Updated hydrological assessment of the scheme area.
    - New and more accurate topographical and threshold surveys.
    - Additional CCTV surveys of significant culverts and sewers.
    - New/altered infrastructure and changes to watercourses.
    - More refined and accurate model mesh.

    - More conservative joint assessment of fluvial & coastal flooding.
    - Sensitivity analysis to address uncertainties / assumptions.
- The SFRA has identified Flood Zones taking into account the best available and most sophisticated predictive flood risk indicators from the OPW, including the emerging findings of the Dundalk Flood Relief Scheme (2024); CFRAM mapping (2016); and the National Indicative Fluvial Mapping (2021).
- Accordingly, the flood extents illustrated in the adopted DLAP zoning/flood map provides an updated assessment and is more accurate than the previous maps associated with the LCDP.
- The flood extents associated with the DLAP were available on public display during the plan preparation process.
- The appeal does not provide any technical information to counter the updated DLAP flood extents or the associated reason for refusal.
- The Dundalk LAP or an H1 Open Space zoning does not constitute any part of the refusal reason.
- The planning authority's primary concern is flooding but it is considered salient to reference Section 18(3)(a) regarding the requirement for the planning authority of the Board to have regard to the provisions of an LAP, and that they may also consider a draft local plan.

AA & Ecology

The planning authority maintains its reservations as the applicant's flood risk assessment continues to rely on outdated information.

Quality of Accommodation

Refers to the LCC Planner's Report.

Conclusion

- The Board is asked to uphold the decision to refuse on grounds of flood risk, which needs to be considered in a holistic manner.
- There is a current appeal on lands to the west (also refused on grounds of flood risk) and the agent has cited similar grounds of appeal.

- A comprehensive overview of displaced waters and impact on water storage is required and the proposed developments have the potential to undermine the proper planning and sustainable development of the area.

7.3. Observations

The Board received two observations in relation to the appeal.

The observation from *Gerard & Marie Therese Blundell* objects on the basis of the location of the development on a flood plain. It contends that the development would displace water into Balmer's Bog, which would in turn increase run-off to the Dunmore Estate and their home. The submission highlights the effects of climate change and the need to preserve lands as soakaways.

The observation by *Ina Doyle* can be summarised under the following headings:

Hydrology

- The development contradicts the Flood Risk Guidelines.
- The applicant's FRA only considers the application site, acknowledges that there are flooding issues to the east, but does not address flood risk elsewhere.
- There is no groundwater flooding data for the site. It has neither been considered nor mitigated in design.
- Site surveys were carried out before winter, resulting in no records of groundwater flooding. However, the EcIA refers to 'wet grassland' and 'tidal marsh' and the observation includes photographs of groundwater.
- The removal of groundwater attenuation has resulted in flooding of properties in the Dunmore estate, and further development will exacerbate this situation.
- The attenuation tanks are to be placed in flood storage areas and will disperse flood water to surrounding residential areas.
- There are existing deficiencies in the stormwater drainage network and inadequate capacity to cater for the proposed development.

- The applicant's FRA uses only a 1/100-year return period based on outdated guidelines published in 2018 (GDSDS), while more recent data points to increased rainfall and sea level rise.
- The development is premature pending guaranteed wastewater capacity.
- The FRA acknowledges constraints in the existing watercourses but proposes to discharge to them. This will result in attenuated water sitting in tanks and further displacement of water to surrounding residential areas.
- The proposed overflow pond is to be located in a wetland area and will not have the predicted attenuation capacity, thereby resulting in further displacement of water to the existing drainage system and surrounding residential areas.
- There is no provision for overflow at the mitigation pond.
- The development is premature until the Dundalk Flood Relief Scheme surveying and modelling is completed.

Ecology

- Retaining the existing vegetation as foraging and habitat is in line with the Habitats Directive and Local Biodiversity Action Plan and would also offer important flood mitigation.
- The marsh plays an important role in carbon sequestration, air purification and temperature regulation.
- Increased run-off to the Blackwater will negatively impact on Dundalk Bay SPA and SAC, which the EPA has already identified as 'at risk of not meeting its WFD objectives'.
- While the EcIA did not include a bat survey, Pipistrelle bats are frequenting the site and all protection measures have to be implemented.
- The observation refers to a wider range of birds frequenting the site than was established in the applicant's surveys.

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and prescribed bodies, and I have inspected the site and had regard to the relevant local/regional/national policies and guidance.

8.1.2. Issues relating to the Water Framework Directive and Appropriate Assessment are addressed separately in sections 9 and 10 of this report. Otherwise, I consider that the substantive issues to be considered in this appeal are as follows:

- The Principle of Development & Alignment of Plans
- Flood Risk and Drainage
- Proposed Residential Standards
- Impacts on Existing Properties
- Traffic & Transportation
- Ecology
- Archaeology
- Wastewater
- Building Height, Density, & Visual Impact.

8.2. The Principle of Development & Alignment of Plans

8.2.1. The question of the principle of development in this case rests largely on the differences between the zoning/flooding maps as contained in the Louth County Development Plan 2021-2027 (LCDP) compared to those in the Dundalk Local Area Plan 2025-2031 (DLAP).

8.2.2. It is clear from the planning authority reports and its response to the appeal that its decision has been informed by what it considers to be more updated and accurate flood information as outlined in the DLAP. In turn, the SFRA associated with the DLAP (section 2.3) confirms that it has been informed by the '*Emerging findings of the Dundalk Flood Relief Scheme Project, 2024*'. In this regard, I note that the DFRS is still at Stage 1 'Scheme Development and Design', with an 'Options Development

Report' expected to be completed in Q4 2025[1]. Stage 1 is not expected to be completed until Q1 2027, to be followed by Stage 2 'Planning'. In my opinion, it would be unreasonable to consider the proposed development to be premature pending the completion of the DFRS.

8.2.3. In its response to the appeal, the planning authority has referenced Section 18(3)(a) of the Act of 2000, which requires a planning authority or the Board on appeal to have regard to the provisions of any local area plan and also allows them to consider any relevant draft local plan. The reference to 'draft local plan' is irrelevant at this stage given that the DLAP is now adopted and operational, but I do acknowledge the need for the Board to have regard to the provisions of the DLAP.

8.2.4. In doing so, I note that the DLAP outlines a range of provisions relating to zoning and flooding, including text, policy objectives, maps, and appendices. However, it also includes specific and over-riding provisions relating to the interpretation of the LAP and its alignment with the LCDP, including the following Policy Objectives:

DM 2 - To ensure the Dundalk Local Area Plan is consistent with the County Development Plan. A Variation to the County Development Plan will be required to take account of any amendments made to text, policy objectives, zoning and flood zones map / composite map and appendices relating to Dundalk during the preparation of this Plan.

DM 3 - To publish and adopt a Variation to the County Development Plan following the adoption of the Dundalk Local Area Plan to ensure the alignment of the Dundalk Local Area Plan with the County Development Plan.

A footnote to DM 3 states: '*Note that until this Variation has been adopted any text, policy objectives or maps relating to Dundalk in the Louth County Development Plan 2021-2027 shall take precedence over the text, policy objectives, maps, and appendices in this Local Area Plan*'.

8.2.5. Although the above approach reflects something of a reverse scenario to that covered in Section 18(4)(b) of the Act of 2000, I consider that it is nonetheless consistent with the thrust of this legislative provision, which states that '..*where any*

[1] Dundalk & Ardee Flood Relief Scheme, Newsletter No. 10, April 2025, accessed on 26th June 2025 through www.floodinfo.ie/frs/en/dundalk/home .

provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect'.

8.2.6. Following on from the above, I would highlight that the LCDP still contains the Dundalk Zoning and Flood Zones Map. Based on this map, the entire site is zoned as 'A1 Existing Residential', as opposed to the DLAP which also includes a 'H1 Open Space' zoning (coinciding with flood zones) over the northern end of the site. Similarly, the extent of Flood Zones A & B is larger in the DLAP compared to the LCDP. Therefore, consistent with aforementioned provisions of the DLAP, I consider that the zoning and flood maps contained in the LCDP take precedence over those in the DLAP. At the time of writing, I can also confirm that there is no evidence of the commencement of any variation to the LCDP to take account of the DLAP[2].

8.2.7. The 'A1 Existing Residential' zoning objective for the entire site (as per the LCDP) is '*To protect and enhance the amenity and character of existing residential communities*'. Residential development is listed as a 'Generally Permitted Use' in this zone, while a 'childcare facility' is listed as 'open for consideration'. In this case, I consider that the childcare facility is ancillary to and necessitated by the proposed residential use. Accordingly, I am satisfied that the proposed development is acceptable in principle on this site.

8.2.8. Notwithstanding the above, I also acknowledge that the CDP flood mapping still applies to the northern end of the site. In this context, the suitability of the proposed development will be considered in the following section of this report (Flood Risk and Drainage). In doing so, consistent with my foregoing conclusions regarding the alignment of the DLAP and LCDP, I intend to consider the flood mapping and associated provisions of the LCDP, as well as the provisions of the other relevant national guidelines. I do not consider that the Board should have regard to any conflicting zoning/flood-related provisions in the DLAP.

[2] As per www.louthcoco.ie/en/publications/development-plans/, accessed 26th June 2025.

8.3. **Flood Risk & Drainage**

8.3.1. The application is accompanied by a Site-Specific Flood Risk Assessment (SFRA) which has been supported by the OCSC report accompanying the appeal. The SFRA classifies the proposed development consisting of dwellings and a crèche as 'highly vulnerable development' in accordance with the Flood Risk Guidelines.

Historical Flooding

8.3.2. The SFRA acknowledges OPW records which cite one historical flooding event at Regans Terrace in 2014. The source was a river and the cause was overtopping.

Fluvial Flooding

8.3.3. The SFRA outlines that:

- The OPW CFRAM maps indicate that the northeast corner of the site includes parts of Flood Zone A and B. Based on CFRAM flood water levels along the Blackwater River, it is suggested that a downstream constraint is the cause of flooding and that its overriding function is to provide flood storage capacity rather than conveyance capacity.
- The CFRAM mapping indicates that flood water levels adjacent to the site are 3.98m AOD for the 1.0% AEP event, which exceeds existing ground levels of 3.5m AOD at the northern end of the site.
- Responding to the designation of Dundalk as a Regional Growth Centre and the need to achieve objectives relating to density and urban design, the SFRA in the LCDP recommends that finished floor levels should be the 1% AEP level (i.e. 3.98m AOD) with a suitable allowance for climate change and a freeboard of at least 300mm (i.e. 4.28m AOD). Subsequent to this, LCC has recommended a 500mm freeboard and 500mm for climate change, thereby increasing the proposed finished floor levels to 5m AOD.

Pluvial Flooding

8.3.4. Topographical information was used to assess the risk. In the design of the proposed roads, it was recommended that low points be avoided and gradients channel overland flow away from dwellings to open spaces and boundary watercourses. Finished Floor Levels are to be provided above adjacent footpath and road levels. It

is stated that the direction of overland flow will generally remain unchanged, and the remaining flood risk is deemed to be minimal.

Groundwater Flooding

8.3.5. GSI data was consulted, and no records of groundwater flooding were found for the site. The probability of groundwater rising above existing ground levels was considered extremely low and the proposed finished floor levels being 5mAOD would reduce the risk to negligible. In any such event, it is stated that water would follow overland flow routes and not collect at or near proposed buildings.

Coastal Flooding

8.3.6. The SFRA refers to the current CFRAM Dundalk Tidal Flood Extents which outline that The Blackwater River has a 0.5% Tidal AEP Event level of 3.38m, while Rampart River has levels of 3.39m and 4.45m. As these flood levels will be below the proposed ground level of the site and there is no evidence of these flood levels spilling onto the site, the SFRA concludes that the flood risk is negligible. In any such event, it states that the provisions for pluvial flooding will mitigate this.

Proposed Drainage Infrastructure

8.3.7. The SFRA outlines that the proposed drainage will adhere to the hydraulic performance criteria set out in the Greater Dublin Strategic Drainage Study and the Building Regulations Part H to achieve self-cleansing velocity, minimising the potential for blockages leading to flooding. It will incorporate Sustainable Drainage Systems (SuDS) that will control the discharge rate and reduce the volumetric runoff and will be designed to attenuate all surface water runoff to the requirements of LCC. The proposed drainage will be designed to limit the outflow to that of the existing greenfield scenario. The SFRA outlines that the surface water Infiltration rate is very low based on the site infiltration tests carried out according to the analysis from the BRE Digest 365 & CIRIA Report C697 the Suds Manual. It concludes that the flood risks arising from the proposed drainage infrastructure will be negligible and no further mitigation is required.

8.3.8. In order to control the existing flooding which occurs on the site or overflows into the site, it is proposed that a shallow wetland area be constructed using the flood levels as indicated in the existing CMFRA fluvial flood extent map. The proposed shallow

wetland area is generally flat at a level of 3.5mAOD. As the predicted flood level is 3.98mAOD, the wetland area will be constructed by building slopes to contain the flood water, of a height not less than 400mm high. It is stated that this will allow the area to control the predicted flood volumes while retaining a similar ground level to existing levels.

8.3.9. Based on: the CFRAM fluvial flood extent map; the area of the proposed wetland (1528m²); and its depth at a 1% AEP flood event (0.48m); the SFRA outlines that the mitigation pond will have capacity (1429.93m^3)[3] to attenuate almost half of the predicted flooding volume. The additional required storage will be generated using an attenuation storage system under the surrounding landscaped areas[4], which will have provision to drain back into the Blackwater River through connecting pipes. The appeal (OCSC Drawing No. 2601) also outlines that additional flood alleviation storage (1486.029m^3) will be provided within the first 700mm of fill material within the 30% void ratio. The appeal outlines that this results in a total storage volume of 3,596.745m^3, which exceeds the existing flood volume (3,588.39m^3). In arriving at these calculations, the appeal outlines that a 3D surface model was generated using the topographical survey of the site. It contends that this approach is inherently more accurate than the CFRAM data which was produced using a digital terrain model based on grids of between 5m and 10m.

8.3.10. The SFRA confirms that it is only considering the area within the control of the client. and acknowledges that there are flooding issues to the east of the site. It outlines that the banks of the River Blackwater have a consistent level along the northern boundary of the site and the adjoining site, so a flooding event will breach the bank along the river rather than a clearly identifiable low point. From these conclusions, a bund is proposed to separate the proposed site so that flooding within the area controlled by the client will not be affected by surrounding flooding.

8.3.11. With regard to road and building drainage, it is proposed that the car parking areas will be of a permeable construction with sufficient storage capacity within the stone build-up to collect the water. As the site investigation revealed that the potential for infiltration is very low, the system will connect to the proposed building drainage

[3] As per OCSC Drawing No. 2601 and OCSC report submitted with the appeal.
[4] 680.786m^3 as per OCSC Drawing No. 2601 and OCSC report submitted with the appeal.

network. As it is a requirement for this site to aim to be fully SuDS compliant, permeable pavements will be provided where possible. As the proposed internal roads will be raised above the existing ground level, potential infiltration will be based on the characteristics of the materials used in the proposed makeup around the road. However, the building drainage calculations are stated to have sufficient capacity to deal with the road drainage with no infiltration.

Justification Test

8.3.12. Having regard to the 'highly vulnerable' nature of the development and its location within the flood zone extents outlined in the foregoing paragraphs, the SFRA outlines that the Justification Test is required in accordance with the Flood Risk Guidelines. While the SFRA carries out the test for both 'Development Plans' and 'Development Management', I propose to limit my assessment to 'Development Management' given that this case involves a project rather than a plan. The criteria outlined in Box 5.1 of the Flood Risk Guidelines are discussed below.

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*

   As outlined in section 8.2 of this report, I acknowledge that the entire site has been zoned to accommodate residential development in accordance with the LCDP.
   Furthermore, I note that the LCDP was supported by a Strategic Flood Risk Assessment (SFRA) taking account of the Flood Risk Guidelines. The SFRA included a Justification Test in the case of the site relating to the proposed development (i.e. Site 13, Dundalk). The test acknowledged the potential of the site to contribute in terms of consolidation, compact growth, sequential and sustainable development.
   More particularly, however, the test for Site 13 states that:
   As a substantial portion of the lands off the Dublin Road is not identified as being vulnerable to flooding and is located within Flood Zone C, it is anticipated that flood risk mitigation measures could be designed to allow development of the wider site, as necessary. Development of the site will require a site-specific FRA which should consider the sequential approach

within the site, allocating vulnerable and less vulnerable development to Flood Zone C and restricting the type of development to that which is 'appropriate' to each flood zone in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines 2009.

Accordingly, notwithstanding the LCDP residential zoning for the entire site, it is clear that a wider reading of the LCDP (including the SFRA) does not support highly vulnerable residential development over the entire site.

2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*

   (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

   The OCSC report included in the appeal outlines that the SFRA demonstrates that the majority of the site is in a defended area and that the active flood area will be rationalised to include compensatory storage and alleviation measures in accordance with the Flood Risk Guidelines. It concludes that this will prevent an increased flood risk elsewhere.

   I acknowledge that much of the concern raised by the planning authority and observers is based on perceived inadequate consideration of potential flood risks outside the site. I have also considered how the SFRA and the appeal response contends that the proposed flood storage capacity (3,596.745m^3) will exceed the existing flood volume (3,588.39m^3).

   However, I have fundamental concerns about the nature and extent of development proposed within flood zones as outlined under point 1 of the Justification Test. Consistent with the sequential approach, the most appropriate way to avoid increased flood risk elsewhere and reduce overall flood risk is to avoid development within flood risk areas.

   (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.

The appeal outlines that the SFRA mitigation measures are appropriate for the identified flood risks. This includes the compensatory storage as well as the SuDS providing attenuation storage and discharge in accordance with greenfield runoff rates. The appeal concludes that this will not increase flood risk to surrounding properties and or the wider environment (including the Dundalk Bay Natura 2000 sites).

Notwithstanding this, it is still proposed to locate Block D within Flood Zone B as per the LCDP, while Blocks C and B will also be within flood risk areas as identified in the appeal (Drawing No. W369-OCSC-XX-XX-DR-C-2600-S4-P01). I do not consider that this approach would *'minimise flood risk'*. I acknowledge that the site is zoned for residential use, but I consider that it would be 'reasonably possible' to achieve an appropriate quantum of development on the majority portion of the site which is not at flood risk.

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

The appeal again highlights the SFRA mitigation measures, including the proposed finished floor levels of 5m AOD, which are stated to be contained within the site and do not increase flood risk elsewhere. It states that the measures will not impact on any future measures as envisaged under the Dundalk FRS, and that the proposed road levels (1.2m above the 1% AEP flood level) would facilitate emergency access.

The planning authority has raised concerns about the proposed development in the context of the emerging findings of the Dundalk Flood Relief Scheme. Therefore, it is not clear that residual risks to the area and/or development can be managed to an acceptable level as regards the design, implementation and funding of such future flood risk management measures.

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

For the reasons outlined above, the proposed development does not satisfactorily address the foregoing criteria of the Justification Test. Therefore, the question of achieving wider planning objectives does not arise in this context.

8.3.13. The Justification Test in the Flood Risk Guidelines concludes by stating that the acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context. Therefore, having regard to the highly vulnerable residential nature of the proposed development, and its extent covering almost the entire site, which was not foreseen by the SFRA as outlined in the LCDP, I am not satisfied that the proposed development satisfactorily addresses the Justification Test in accordance with the Flood Risk Guidelines.

Development Plan Policies

8.3.14. The planning authority's decision to refuse permission outlines an opinion that the proposed development would be contrary to several CDP policies. The relevant policies are outlined and discussed in the following paragraphs.

8.3.15. Policy Objective IU 26 is:

To reduce the risk of new development being affected by possible future flooding by:
• Avoiding development in areas at risk of flooding and

• Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

8.3.16. As previously outlined, the proposed development includes Block D within the LCDP flood zones, which would not be appropriate in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines 2009. Furthermore, the appeal (Drawing No. W369-OCSC-XX-XX-DR-C-2600-S4-P01) outlines the estimated flood volume of the site based on a more accurate topographical site survey and the 1% AED flood water level. It shows that estimated flooding extends beyond the LCDP flood zones

to include Block D, Block C and most of Block B. This approach does not avoid development in areas at risk of flooding.

8.3.17. The second element of this policy requires taking a sequential approach in situations where development in floodplains cannot be avoided. In the first instance, I do not consider that this is a situation where development cannot be avoided. Secondly, there is scope to accommodate residential development elsewhere on the site in accordance with the sequential approach as recommended in the LCDP SFRA.

8.3.18. Accordingly, I consider that the proposed development would be contrary to Policy Objective IU 26.

8.3.19. Policy Objective IU 27 is:

To ensure all proposals for development falling within Flood Zones A or B are consistent with the "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" 2009. Proposals for development identified as being vulnerable to flooding must be supported by a site specific Flood Risk Assessment and demonstrate to the satisfaction of the Planning Authority that the development and its infrastructure will avoid significant risks of flooding and not exacerbate flooding elsewhere.

In Flood Zone C, where the probability of flooding is low (less than 0.1%), site-specific Flood Risk Assessment may be required and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed.

The County Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping should be consulted by prospective applicants for developments in this regard and will be made available to lower-tier Development Management processes in the Council.

Applications for development in flood vulnerable zones, including those at risk under the OPW's Mid-Range Future Scenario, shall provide details of structural and non-structural risk management measures, such as those relating to floor levels, internal layout, flood-resilient construction, emergency response planning and access and egress during flood events.

8.3.20. For the reasons previously outlined, I am not satisfied that the application/appeal has satisfactorily demonstrated that the development and its infrastructure will avoid significant risks of flooding and not exacerbate flooding elsewhere. Accordingly, the proposed development would be contrary to Policy Objective IU 27.

8.3.21. Policy Objective IU 28 is:

Where a site specific Flood Risk Assessment demonstrates that there are significant residual flood risks to a proposed development or its occupiers in conflict with 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' 2009, planning permission will normally not be granted unless the requirements of Section 5.28 'Assessment of minor proposals in areas of flood risk' can be satisfied.

8.3.22. The applicant's FRA does not demonstrate significant residual flood risks. Therefore, this policy does not apply.

8.3.23. Policy Objective IU 33 is:

Where a portion of a site is at risk of flooding, the lands at risk will be subject to the sequential approach to ensure first and foremost that new development is directed towards lands at low risk of flooding; and to restrict the type of development to that 'appropriate' to each flood zone in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines.

8.3.24. Although a portion of the site is at risk of flooding, it does not follow the sequential approach to ensure that all of the highly vulnerable residential development is directed towards lands at low risk of flooding, and does not restrict the type of development to that 'appropriate' to each flood zone in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines. Accordingly, I consider that the proposed development would materially contravene Policy Objective IU 33.

Conclusion

8.3.25. I am conscious of the designation of Dundalk as a Regional Growth Centre and the acute need for additional housing, particularly on edge-of-town centre sites such as this. And while the site has been zoned for residential use in the LCDP, I would highlight that this is qualified by the SFRA supporting the LCDP. This outlines the need for the application of the sequential approach through a site-specific FRA and

the restriction of development to that which is 'appropriate' to each flood zone in accordance with Tables 3.1 and 3.2 of the Flood Risk Management Guidelines 2009.

8.3.26. Having regard to the information submitted with the application and the appeal, including the applicant's Site-Specific Flood Risk Assessment (SFRA) and the OCSC report and Drawing No. W369-OCSC-XX-XX-DR-C-2600-S4-P01 (1% AEP Flood Volume Existing Scenario) accompanying the appeal, I consider that the nature and extent of highly vulnerable development proposed within areas at risk of flooding is unacceptable; would be contrary to LCDP Policy Objectives IU 26 & IU 27; and would materially contravene Policy Objective IU 33.

8.3.27. Similarly, the key principles of the Flood Risk Guidelines 2009 are:

- Avoid the risk, where possible,
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

8.3.28. For the reasons previously outlined, I do not consider that the proposed placement of Blocks B, C, and D within flood risk areas is an approach which avoids the risk. Furthermore, I consider that an avoidance approach would be possible through the concentration of residential development on the majority portion of the site outside the flood risk (at higher density as outlined in section 8.10 of this report). Therefore, the other potential approaches (i.e. substitution and mitigation/management) need not arise, although the flood risk areas could accommodate less vulnerable uses such open space subject to being suitably incorporated into the design and layout.

8.3.29. Notwithstanding that it would be possible avoid flood risk, I have carried out a Justification Test (as per the Flood Risk Guidelines) for the extent of highly vulnerable residential development proposed in flood risk areas (as identified in the LCDP and the information submitted with the application and appeal). For the reasons previously outlined, I am not satisfied that that the proposed development satisfactorily addresses the Justification Test. In this context I would also highlight that the Flood Risk Guidelines state that '*In all cases, a precautionary approach should be taken to allow for uncertainties in data and risk assessment procedures*

and to enable adaptability to future changes in risk, including the effects of climate change'.

8.3.30. Having regard to the foregoing, I consider that the proposed development should be refused on grounds of flood risk. My concerns relate primarily to proposed Blocks B, C, and D, and the potential that they will be subject to flooding and/or cause flooding to adjoining land/property. I have considered the potential to omit these blocks as a condition of any permission. However, I consider that this would have significant impacts for the proposed development, including its density and housing mix, design and layout, drainage strategy, and open space strategy. The omission of the blocks would not achieve a satisfactory scheme, and I do not recommend such an approach to the Board.

8.4. Proposed Residential Standards

8.4.1. Although the planning authority was satisfied with many aspects of the proposed residential standards, reason No. 3 of the LCC decision included concerns about non-compliance with some provisions of the Apartments Guidelines. The issues raised in this refusal reason and other reports/observations are considered in the following paragraphs.

8.4.2. In doing so, I note that the appeal includes drawings showing a revised proposal for 190 apartments. This proposal incorporates the removal of 1 no. 2-bed unit in each of Blocks A-D to provide bulky storage, minor adjustments to the bicycle and bin storage areas, and increased floor areas for the proposed apartments. This attempts to address the reason for refusal and is not an uncommon practice in the appeal process. I do not consider that the proposal would give rise to material considerations for third parties, and the planning authority has been afforded the opportunity to comment on the proposal. Accordingly, while I will be assessing the original proposal in the first instance, I consider that the Board can have regard to the proposal submitted with the appeal if necessary. However, as will be outlined, I consider that the original proposal is preferable and that the revised proposals are not necessary.

Floor areas

8.4.3. The planning authority raised concerns that some of the floor areas associated with the bedrooms fall below the minimum standards having specific regard to storage

area requirements, and also that the overall floor area of the majority of the apartments does not exceed the minimum standards by 10%.

8.4.4. I note that the planning authority concerns about bedroom/storage areas were largely due to a lack of clarity on the calculation of aggregate/individual rooms and spaces. In response to this, the appeal suggests that the storage area within other rooms (e.g. bedrooms) simply were not dimensioned on the architects' drawings. However, it confirms that where such storage space contributes to the overall storage space, it is in addition to the other minimum floor areas (e.g. bedrooms). I consider that this approach is acceptable in accordance with the standards and guidance outlined in the Apartments Guidelines.

8.4.5. Regarding gross unit areas and 'safeguarding higher standards', I note that the Apartments Guidelines require that the majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. The planning authority raised concerns that the application put forward a 'majority calculation' to show that the total proposed residential floor area (14,927m^2) would exceed the +10% 'safeguarding higher standards' requirement of 14,377.5m^2, but that a majority of the individual apartments would not meet this standard.

8.4.6. However, I would highlight that section 3.9 of the Apartments Guidelines uses a similar 'majority calculation' example to illustrate how this +10% provision would be met, and I consider it reasonable to adopt this approach. I have reviewed the overall minimum floor area required (13,759m^2), which would be increased to 14,377.5m^2 in accordance with the +10% requirement as illustrated in the Guidelines. Therefore, I am satisfied that the proposed overall residential floorspace (14,927m^2) would satisfactorily safeguard higher standards in accordance with the Guidelines as detailed in the table below.

Minimum Floor Area Requirements			
Unit Type	**No. of Units**	**Min. Floor Area m2**	**Cumulative Min. Area m2**
1-bed	32	45	1440
2-bed	133	73	9709
3-bed	29	90	2610
Total			**(a) 13759**
Safeguarding Higher Standards +10%			
Unit Type	**No. of Units**	**+10% area m2**	**Cumulative Min. Area m2**
1-bed	32	4.5	144

2-bed	65	7.3	474.5
Total			**(b) 618.5**
Total Minimum required (a) + (b)			**14,377.5**
Total Proposed Residential Floorspace			**14,927**

8.4.7. The floor area and storage requirements of the LCDP are consistent with those of the Apartments Guidelines. Accordingly, I am satisfied that there would be no material contravention of the LCDP in this regard.

Building Lifecycle Report

8.4.8. Although the LCC decision highlighted the absence of a Building Lifecycle Report, this has been submitted with the appeal. The report outlines details relating to management of common areas; service charges/budgets; life expectancy and sinking funds; emissions; specifications for materials and landscaping; and transport services. I am satisfied that these proposals would be acceptable subject to the agreement of standard management conditions in the event of a grant of permission.

8.4.9. The LCDP does not include a specific requirement to submit a Building Lifecycle Report with applications. Accordingly, I am satisfied that there would be no material contravention of the LCDP in this regard.

Communal/bulk storage and waste storage

8.4.10. The LCC decision also cited concerns about inadequate communal/bulk storage and storage for waste/dry recyclables.

8.4.11. I note that section 3.32 of the Apartments Guidelines outlines that planning authorities should encourage the provision of bulk storage space in addition to minimum apartment storage requirements. While it is not a mandatory requirement, the appeal nonetheless includes proposals for dedicated bulk storage areas at the ground floor of Blocks A-D. This has resulted in the loss of one 2-bed apartment in each block.

8.4.12. I acknowledge the benefits of such additional bulk storage. However, in this case I would highlight that:

- The development complies with the internal storage requirements for each unit.
- The vast majority (85%) are smaller 1 & 2-bed units which would have a lesser demand for bulk storage.

- A significant number of the proposed units include large private amenity spaces (significantly in excess of requirements) which would contribute to storage space.
- The proposed bulk storage space would result in the loss of apartments/density.
- The proposed bulk storage space results in a blank and inactive ground floor frontage at the entrance to the blocks, which would seriously detract from the amenity and security value of the area.

8.4.13. Having regard to the above, I consider that the proposed storage (as per the appeal proposal) is not necessary and the original proposal for 194 no. units should be considered by the Board.

8.4.14. The appeal also confirms that waste storage will be provided to accommodate the three-bin system, including internal storage in Blocks A-D and external storage for the other blocks. I note that calculations are not included to demonstrate adequate capacity. However, I consider that this could be satisfactorily accommodated (even if additional external structures are required) and addressed through the agreement of an operational waste management plan and associated facilities as a condition of any permission.

8.4.15. The LCDP requirements for communal/bulk storage and waste storage are consistent with those of the Apartments Guidelines. Accordingly, I am satisfied that there would be no material contravention of the LCDP in this regard.

Private Amenity Space

8.4.16. Although the planning authority was satisfied with the size of private amenity spaces, as well as their accessibility and orientation, concerns were raised about the degree of privacy afforded to the ground floor apartments serving Block H as a result of the wall/fence design.

8.4.17. I note that Block H includes a number of ground-level private amenity spaces, most of which face onto the existing pathway through the site (to the southeast). However, the spaces are generally setback c. 2 metres from the pathway and privacy would be further protected by boundary treatment. The submitted plans and elevations appear to show a metal railing at this interface, although the Boundary Treatments drawing (HSD-BDP-01-00-SE-L-975105) is unclear. In any case, I am satisfied that these are

large private amenity spaces which are well setback from the public pathway, and that appropriate privacy measures could be agreed as a condition of any permission.

8.4.18. Although the matter was not raised by the planning authority, I would have concerns about the quality of some private amenity spaces serving Blocks E, F, and G as a result of proposed screening measures. I acknowledge that the proposed screening is primarily intended to protect the amenities of existing properties. However, I consider the proposals to be superfluous and that they would result in an excessive feeling of enclosure with a substandard level of amenity. I am satisfied that this matter could be addressed by condition in the event of a grant of permission.

Communal Open Space – New Issue

8.4.19. Although this issue was not raised by the planning authority or in the appeal, I have serious concerns about the proposed communal open space strategy. In the first instance there is no directly accessible communal open space adjoining Blocks C and E. I note that the application proposes an overall total of 2,409m^2, but I consider that dedicated space should be provided for each individual block within the courtyard of a perimeter block or adjoining a linear block in accordance with s. 4.11 of the Apartments Guidelines.

8.4.20. Furthermore, I consider that the proposed size of the communal space serving Blocks A and B (294.5m^2) falls significantly short of the minimum requirements as per Appendix 1 of the Guidelines (459m^2). And in terms of design quality and function, I have serious concerns about the proposed space between Blocks F and G. This linear space would be largely bounded by 2m-high fencing (as per Drawing Number HSD-BDP-01-00-SE-L-975105), with apparent open access at either end. I consider that the space would inevitably function as a public pedestrian/cycle short-cut to/from Hill Street, and that this would seriously detract from the residential amenity and semi-private nature of this supposed ‘communal’ space.

8.4.21. I consider that any resolution to this matter would require significant and fundamental changes to the design and layout of the scheme, which could not be appropriately addressed by means of a condition of any permission.

Conclusion

8.4.22. Having regard to the foregoing, I am satisfied that the concerns identified by the planning authority concerns about residential standards could be satisfactorily addressed.

8.4.23. However, although the issue of communal open space has not been raised, I consider that the proposals are unacceptable and would result in a substandard level of residential amenity for future residents. This is a *new issue,* and the Board may wish to seek the views of the parties or to seek further information on the matter. However, I consider that this would require significant revisions to the proposed design and my substantive concerns about flood risk would still apply. Accordingly, I am not recommending this course of action.

8.5. **Impacts on Existing Properties**

Existing properties at Gosling Terrace and Line Terrace

8.5.1. Although the planning authority assessment was satisfied with the proposed separation distances from Gosling Terrace and Line Terrace, it nonetheless included concerns that Blocks E and F will have an unduly adverse overbearing impacts on these properties. In this regard I note that the appeal includes several section drawings showing the interface between Blocks E and F with the adjoining properties in Gosling Terrace and Line Terrace.

8.5.2. The western ends of Blocks E and F adjoin the rear of some of the Line Terrace properties. However, the blocks are sensitively stepped at this point, rising from single storey at the boundary interface to a setback 2-storey element, and then a further setback 3-storey element. The west-facing walls are blank and any external amenity spaces will be suitably distanced. Accordingly, I do not consider that Blocks E or F will have any unacceptable overbearing impacts on the adjoining properties at Line Terrace.

8.5.3. The rear (north) elevation of Block E also has an interface with the existing properties at Gosling Terrace. The majority of these are south-facing properties which are well setback (c. 20 metres) from the nearest single storey element, and setback further (c. 25 metres) from the 2- and 3-storey elements. Further east, I note that No. 30 Gosling Terrace and adjoining properties are west/east-facing away from

the proposed development. No. 30 is the closest dwelling and does not have any south-facing side windows. It is setback c. 7 metres from the nearest single storey element of Block E, and setback further (c. 11 metres) from the 2- and 3-storey elements. Having regard to the above, I am satisfied that Block E will not have any unacceptable overbearing impacts on the adjoining properties at Gosling Terrace.

Permitted dwelling at Gosling Terrace

8.5.4. The planning authority also raised concerns that the impacts on a recently approved dwelling (Ref. 24115) at Gosling Terrace have not been considered. The appeal has assessed impacts on the permitted dwelling, and I have reviewed the permitted drawings on the LCC planning register website[5]. The permitted dwelling does not include any south-facing windows apart from roof windows which are angled away from the proposed development. Only a small private amenity space has been permitted and a proposed 2.2m high boundary wall would effectively screen the proposed development from within. Taken in conjunction with the setback of the proposed development, I do not consider that the proposed development would have any unacceptable overbearing or overlooking impacts on the permitted dwelling.

8.5.5. The appeal also includes a Daylight, Sunlight and Overshadowing Study which addresses the permitted dwelling. The results of the study can be summarised as follows:

Shadow Analysis – Additional shading is evident during a limited time in March (0800 hrs) and over a longer period in December (1000 – 1400 hrs). However, such results are expected in December when the sun is low in the sky and overshadowing is least noticeable.

Sunlight to Amenity Spaces – This is assessed based on the BRE Guide (Site Layout Planning for Daylight and Sunlight, 3rd Edition) which advises that at least half of such spaces should receive at least 2 hours of sunshine on the 21st March, or not less then 80% of the existing situation. The results show that there will be no reduction in sunlight to the private amenity space as a result of the proposed development.

[5] Accessed 13th June 2025

Sunlight to Existing Buildings – This is assessed based on BRE recommendations that the Annual Probable Sunlight Hours (APSH) results for the living room windows should be greater than 25% annual and 5% winter sunlight, or are greater than 0.8 times their former value with the proposed development in place or the reduction in sunlight across the year is less than 4% with the proposed development in place. The results show that all windows will retain at least 0.8 times their former value in the annual and winter periods, and that the annual sunlight will remain with 4% of the existing annual sunlight values.

Daylight to Existing buildings – This is assessed based on BRE recommendations that existing windows should retain a Vertical Sky Component (VSC) value of 27% or not less than 0.8 times their former value. All 8 points tested in this case would comply with these BRE recommendations.

8.5.6. In conclusion, I would acknowledge and highlight that the BRE Guide itself states that its numerical guidelines should be interpreted flexibly depending on the needs of the development and its location. However, having inspected the site and considered the results of the applicant's assessment, I am satisfied that the proposed development would not result in any unacceptable daylight or sunlight impacts on the permitted house at Gosling Terrace.

Structural damage

8.5.7. I note that some third parties have raised concerns about the potential for structural damage of adjoining properties, particularly in relation to the proposed foundation works. The application is supported by a Construction Methodology and Environmental Management Plan (CMEMP) which includes monitoring proposals for vibration. It outlines that works would be stopped if the recorded vibrations exceed relevant limits taken from the German Standard DIN 4150-3 (1999-02) *Structural Vibration – Effects of vibration on structure*.

8.5.8. The CEMP outlines that pending the final site investigation foundation recommendation, two foundation systems will be considered. For reasonable ground condition, strip foundations with trench fill concrete down to approved bearing stratum can be used. For poor ground condition, pile foundation will be required with reinforced concrete ground beam spanning between to support the superstructure. The report also outlines the actions required for both foundation options.

8.5.9. I acknowledge the proximity of the development to existing properties, particularly the older properties at Line Terrace and Gosling Terrace. However, the works associated with the development would not be exceptional and such situations are commonly associated with urban development. Therefore, subject to compliance with appropriate construction management measures as proposed, I do not consider that there would be unacceptable risk of structural damage.

Conclusion

8.5.10. The planning authority appears to have been generally satisfied that there would be no unacceptable impacts for the majority of surrounding properties. I would concur with that position. Where outstanding concerns were identified, I have considered the issues in this section of my report. Having regard to the foregoing, I do not consider that the proposed development would result in any unacceptable impacts for existing properties that would warrant a refusal of permission.

8.6. **Traffic & Transportation**

Traffic Capacity

8.6.1. Although third party submissions raised concerns about traffic congestion on the surrounding road network, the planning authority did not raise any significant concerns.

8.6.2. In this regard I note that the application was supported by a Traffic & Transport Assessment Report. Traffic surveys were carried out along the Dublin Road/Hill Street in May 2023, and the report outlines that these found that the road is moderately trafficked with a weekday AM Peak Hour 2-way Traffic Flow of 1,207 PCUs and a weekday PM Peak Hour Traffic Flow of 1,123 PCUs. It uses TRICS data to calculate that the impacts of the proposed development on the existing Mourneview Hall junction (73 no. 2-way movements in the AM peak and 77 in the PM peak) and the proposed new junction (19 no. 2-way movements in the AM peak and 18 in the PM peak). Those movements were then assigned to the local road network to reflect existing patterns and traffic growth factors were applied in accordance with TII Guidance.

8.6.3. The TTA considers the predicted increase in traffic volumes at the site accesses; the Hill St / Avenue Rd junction to the north; and the Priorland junction to the south.

Outside of the proposed site accesses, it outlines that the increase at the other 2 junction would be <5%, which I agree would not require further assessment.

8.6.4. Further assessment is carried out for the 2 site access points using the TII-approved software package PiCADY. This produces results based on a ratio of flow to capacity (RFC) and queue length. An RFC greater that 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum RFC value. The modelling results confirm that they can accommodate the worst case predicted traffic flows during the year of opening and the design year, without any capacity issues whatsoever arising, with all RFCs well below 0.85 (maximum result of 0.19).

8.6.5. I am satisfied that this assessment has been carried out using appropriate methodology and I would concur that the proposed development will not have any significant impact on the capacity of the local road network.

Road Design & Safety

8.6.6. Appendix I of the applicant's TTA Report outlines a Stage 1 Independent Road Safety / Quality Audit. It identifies 4 no. problems and provides recommendations which have been accepted by the applicant. I am satisfied that the proposed development addresses these problems.

8.6.7. The TTA also outlines that the proposed accesses and internal road network comply with the design standards and principles of DMURS. I note that the planning authority has outlined general concerns about road widths, road lengths/alignment, and turning bays. However, I consider that any such requirements could be satisfactorily addressed as a condition of any permission. The planning authority has also raised specific concerns about the design of the creche set-down area and conflict between vehicle and pedestrian movements. However, I note that this involves a traffic-calmed shared surface with appropriate pedestrian priority in accordance with DMURS. Accordingly, I am satisfied that the proposed design is acceptable and would not generate any unacceptable traffic hazard.

Car Parking

8.6.8. It is proposed to provide a total of 136 no. car parking spaces to cater for the proposed 194 apartments (ratio of 0.7 per apartment), while 7 spaces will serve the proposed creche. The planning authority outlines that the proposed parking ratios

are acceptable in principle, but further details are required in relation to the mobility management plan and parking management.

8.6.9. I note that a Mobility Management Plan was submitted with the application. Consistent with the submitted appeal (Appendix G), I would accept that such plans can effectively only be preliminary at this stage and that they require ongoing monitoring and review at operational stage. Therefore, I am satisfied that such measures could be satisfactorily agreed as a condition of any permission.

Bicycle Parking

8.6.10. It is proposed to provide a total of 642 no. bicycle spaces, provided through a range of internal ground floor spaces within blocks A-D and H, eternal lockers adjoining blocks E-G, and external stands. This would significantly exceed LCDP and Apartments Guidelines standards consisting of 1 space per bedroom and 1 visitor space per 2 apartments (total requirement of 482 spaces). I am also satisfied that adequate bicycle parking has been provided for the proposed creche.

8.6.11. The planning authority also outlined that bike stands should be provided at the entrance to facilitate LCC's Bike Share Scheme, and the appeal responds by highlighting that 8 no. stands are proposed near the entrance (to the rear of the proposed bus stop/shelter). Accordingly, I am satisfied that the precise details of any such proposal could be agreed by condition in the event of a grant of permission.

Pedestrian / Cycle Links

8.6.12. The site benefits from good connectivity by virtue of the existing pathway/cycleway running through the site. It would not appear that it is proposed to carry out upgrade works to this existing route, although I consider that the nature and extent of the proposed development would justify upgrading to properly delineate separate pedestrian/cycle pathways. I also note that the planning authority has recommended daylighting of the existing culvert along this route. However, although daylighting would be encouraged as per LCDP Policy Objective NBG 44, I do not consider that it is mandatory or that the absence of such a proposal would amount to a material contravention of the LCDP.

8.6.13. The Mourneview access route forms another main route through the site. There are footpaths on either side of this road, but it would not appear that it is proposed to

provide dedicated cycle paths. It should be noted that the DLAP 2025-2031 identifies a 'proposed cycle network (Phase 1)' along the Mourne View Access Road and I consider that such proposals should be supported as part of the proposed development.

8.6.14. Furthermore, I have previously outlined concerns about the creation of a pedestrian/cycle route through the space between Blocks F and G and how this would conflict with the residential amenity value of this proposed semi-private communal space.

8.6.15. In conclusion, I consider that the proposed development should incorporate further improvements to the existing and proposed cycle/pedestrian network within the site as outlined above.

8.7. **Ecology**

8.7.1. The potential for impacts on Natura 2000 sites is considered separately in section 10 of this report. This section considers the other potential ecological impacts having regard to the applicant's Ecological Impact Assessment (EcIA) and the concerns raised by the planning authority and observers.

Designated Sites

8.7.2. Other than the natura 2000 sites, the EcIA acknowledges that there is a hydrological pathway via Ramparts Stream to Dundalk Bay pNHA (c. 2.1km to the northeast). However, this is deemed insignificant due to distance and dilution factors. Consistent with the reasons outlined in my AA Screening conclusion (section 10 of this report), I would concur with these findings.

Habitats & Flora

8.7.3. The EcIA outlines that the site is mainly comprised of 'dry meadows and grassy verges' and 'scrub', along with 'wet grassland' in the north-eastern section. It also acknowledges the on-site drainage features and invasive species (Japanese Knotweed & Sycamore) recorded along the northern site boundary. No records of rare or protected flora were found. The EcIA identifies 'Scrub (WS1)', 'Depositing / lowland rivers (FW2)', 'Drainage ditches (FW4)', and the 2 invasive species as 'Key Ecological Receptors' (KERs).

8.7.4. The EcIA acknowledges that the loss of habitat will have a negative, permanent, moderate impact on the local ecology during construction, and that the spread of Japanese knotweed along the Ramparts Stream to downstream environments has the potential to have a negative, long-term, significant impacts. However, it outlines that the Construction Management and Environmental Management Plan (CMEMP) will comply with relevant legislation and best practice guidelines to protect water quality, ensuring that any construction discharge impacts will be imperceptible.

8.7.5. The EcIA does not predict any negative significant impacts on KERs during the Operational Phase. It outlines that the proposed landscaping will provide commuting habitat and foraging resources for local wildlife, with the potential to result in a positive, permanent, slight impact to offset habitat loss.

Bats

8.7.6. The EcIA acknowledges that the NBDC has recorded 5 bat species in the 10km grid square covering the site, and that the overall habitat suitability index for all bat species within the site is 'high'. The field survey results found one dead tree (to be removed) which did not include any roosts but may offer limited roosting habitat for local opportunistic bats due to the cracks and crevices. The scrub, grassland, and riparian habitats were considered to offer Moderate foraging and commuting suitability to bats. Based on the precautionary principle, it was assumed that 8 bat species are present within the locality of the site. Bats are identified as a KER.

8.7.7. The EcIA outlines that the construction phase has the potential for moderate/slight impacts associated with lighting and the removal of the dead tree.

8.7.8. The EcIA outlines that the operational phase has the potential for moderate negative impacts associated with increased lighting, as well as slight positive impacts in the form of landscaping to form new commuting/foraging habitat.

Birds

8.7.9. The EcIA considers the 163 bird species that have been recorded within the 10km grid square by the NBDC within the last 20 years. The field survey results recorded 6 bird species (1 amber-listed, 5 green-listed). The EcIA considers that the site contains a breeding population of resident and regularly occurring species which are protected under the Wildlife Act due to the habitats present on site. The site is not

considered to offer significant suitable ex-situ habitat for the SCI bird species associated with Dundalk Bay SPA and Dundalk Bay pNHA due to the dense nature of much of the scrub and grassland habitat on site. Birds are identified as a KER.

8.7.10. The EcIA outlines that the construction phase has the potential for moderate/slight impacts associated with the loss of foraging/nesting habitat and increased noise and dust levels.

8.7.11. The EcIA outlines that the operational phase will have no significant impacts, but that there will be slight positive impacts in the form of landscaping to form new commuting/foraging habitat. The potential for bird collision is not considered significant due to the limited building height and use of visible materials.

Mammals

8.7.12. The EcIA considers the 10 mammal species that have been recorded within the 10km grid square by the NBDC. However, no evidence of rare, protected or invasive mammals was recorded within the site during field surveys in September 2023. The dense areas of scrub and grassland habitats offer areas suitable for the creation of badger setts, but none were recorded on site. The banks of the Ramparts Stream offer only limited commuting habitat for otter and no evidence was recorded. The EcIA concludes that the site could potentially support resident and regularly occurring populations of native mammals, such as hedgehog, Irish stoat and pygmy shrew, which are identified as KERs.

8.7.13. The EcIA outlines that the construction phase has the potential for moderate/slight impacts associated with the loss of habitat and increased disturbance (light, noise, dust), as well as the potential for entrapment and injury or death.

8.7.14. The EcIA outlines that the operational phase has the potential for moderate negative impacts associated with increased disturbance (human presence), as well as slight positive impacts in the form of landscaping to form new commuting/foraging habitat.

Amphibians

8.7.15. No evidence of frogs was recorded on or within the vicinity of the site, however, suitable habitats were found in the form of the wet grassland and Ramparts Stream and its banks. Frogs are identified as a KER.

8.7.16. The EcIA outlines that the construction phase has the potential for moderate impacts associated with the loss of habitat and increased disturbance (noise, dust). As previously outlined, it concludes that the water quality measures will ensure that any impacts on species within watercourses will be imperceptible.

8.7.17. The EcIA does not predict any significant operational impacts due to the proposed SuDS and water quality measures which will ensure that any impacts on amphibian species within will be imperceptible.

Other Fauna

8.7.18. No records of common lizard exist for the relevant 10km grid square. However, there is suitable habitat for this species within the site, such as grassland and scrub vegetation, and it is assumed under the precautionary principle that a population of this species may be present. The Ramparts Stream is unlikely to have the potential to support notable fish species. However, it is assumed under the precautionary principle that notable fish populations may be present within or downstream of this watercourse. There are three records of invasive invertebrate species within the relevant 10km grid square encompassing the site. The common lizard and the fish assemblage are identified as KERs.

8.7.19. The EcIA outlines that the construction phase has the potential for moderate impacts on the common lizard associated with the loss of habitat and increased disturbance (noise, dust). As previously outlined, it concludes that the water quality measures will ensure that any impacts on fish species will be imperceptible.

8.7.20. The EcIA does not predict any significant operational impacts for common lizards, and outlines that there will be slight positive impacts in the form of landscaping to form new commuting/foraging/nesting habitat. No significant operational impacts for fish are predicted due to the proposed SuDS and water quality measures which will ensure that any impacts within will be imperceptible.

Construction Phase Mitigation Measures

8.7.21. The EcIA refers to a range of best practice development standards and mitigation measures that will be applied in accordance with the CMEMP. The ‘Construction Waste Management’ measures relate specifically to the protection of KERs. In addition, specific measures for the protection of other KERS are identified below.

Japanese Knotweed

A 'Combined Physical and Chemical Control' method is proposed in accordance with TII recommendations. This will involve application of glyphosate on individual plants, followed by excavation and disposal in a licenced facility. These works will be carried out by licensed specialist, the management recommendations of which will supersede the mitigation measures outlined above, and in full agreement with Louth County Council.

Biosecurity

A range of hygiene measures will be applied to prevent contaminated material being brought onto the site.

Lighting

Overnight lighting will not be directed to natural habitats. Where this cannot be avoided due to health and safety concerns, the lighting will be designed and installed to minimise the impact on local wildlife as agreed with the Ecologist and in accordance with the Bat Conservation Trust guidelines on artificial lighting and bats (BCT 2018).

Tree Protection

Protective tree fencing will be erected in compliance with BS 5837:2012.

Protection of Bats

Works will be carried out during normal daylight working hours. The vegetation abutting the north and south boundaries and along the riparian habitat, will be maintained as dark corridors (1 lux or less).

Prior to tree felling, an updated ground-based roost assessment will be carried out by a suitably qualified ecologist. Specifically, where the felling of Low roost potential trees is absolutely necessary, appropriate timing and methodology shall be employed. Should any signs of roosting bats or suitable roost features be observed, or the trees to be removed are deemed to have Moderate or High roosting potential, then no works can take place until an aerial assessment or emergence surveys are conducted and bat absence is confirmed. Should bats be found at any stage of the works, a derogation licence shall be obtained from the National Parks and Wildlife Services prior to the continuation of any works.

Vegetation Clearance

Works will be timed in accordance with seasonal restrictions for relevant ecological features, or where necessary pre-commencement checks will be carried out and appropriate procedures followed in consultation with NPWS. Clearance will also be phased to allow wildlife suitable time to relocate.

Waste and Site Management

All rubbish should be kept in a designated area on-site and kept off ground level so as to protect small fauna from entrapment and death. Precautionary practices will also be implemented to ensure that small mammals are not indirectly harmed from falls into excavations such as trenches, holes and ditches. These will be covered or will include a means of escape.

Operational Phase Mitigation Measures

8.7.22. The proposed measures can be summarised as follows:

Invasive Species Management

Newly landscaped areas will be assessed within the next botanical season for the presence of any inadvertently introduced invasive species. If detected, an Invasive Species Management Plan will be prepared, agreed with the Local Authority and implemented.

Monitoring by a suitably qualified ecologist will be carried out once a year during the Japanese knotweed growing season for 2 years following treatment.

Bats

Lighting design measures will be incorporated in accordance with the best practise bat-friendly lighting guidelines (ILP, 2023).

Biodiversity Enhancement Plan

8.7.23. In addition to the above mitigation measures, a Biodiversity Enhancement Plan will be implemented to include the following:

- Creation of pollinator/insect habitat.
- Four summer bat boxes (e.g., Woodcrete 1FF design) will be erected.
- Swift boxes/bricks will be incorporated where possible.

- 2-3 areas of hibernacula will be provided along the banks at areas furthest removed from likely human activity.

Monitoring

8.7.24. The EcIA outlines the required monitoring and pre-works inspections during the Construction Phase, as well as any surveys that should be completed during the Operational Phase. It concludes that these will ensure that the identified mitigation measures are implemented and maintained efficiently and have the desired effect of protecting the local ecology from adverse impacts.

Residual Impacts

8.7.25. The EcIA submits that provided all recommended measures are implemented in full and remain effective throughout the lifetime of the proposed development, no significant negative residual impacts on the local ecology, or on any designated nature conservation sites, will occur as a result of the proposed development.

8.7.26. It also highlights that newly created habitats will provide an enhancement in local foraging and roosting resources for some of the identified KERs, and that the riparian habitat created on site will establish itself into the existing ecological corridors connecting the site to the wider environment.

Assessment and Conclusion

8.7.27. I consider that the applicant's EcIA outlines a suitable assessment of the ecological impacts of the development, and that it is based on suitable research/surveys and methodology. I would concur with the identified KERs, and I am satisfied that the potential impacts on same have been appropriately identified and mitigated in the proposed design and EcIA.

8.7.28. The planning authority has raised concerns about potential impacts on bats in the absence of a full bat emergence and resurgence survey. However, I would highlight that no roosts were found on site and only one tree was found to have only limited roosting potential. Having regard to the limited potential and recorded bat activity on site, I do not consider a full bat emergence and resurgence survey necessary at this stage. I am satisfied that the EcIA contains appropriate measures for the further survey and mitigation of bat impacts if necessary. Similarly, in response to the An

Taisce submission I am satisfied that the proposed lighting mitigation measures for bats are acceptable.

8.7.29. The planning authority is also concerned that the general invasive species measures are not reflected in the CMEMP and that an Invasive Species Management Plan has not been included. However, consistent with the grounds of appeal, I would accept that the CMEMP would require finalisation and agreement in advance of the development commencing. I am satisfied that the application contains sufficient information at this stage and that any detailed CMEMP measures could be agreed prior to commencement.

8.7.30. The An Taisce submission highlights the potential to introduce a significant degree of biodiversity through native wildflower and tree planting and suggests that a Biodiversity Management Plan could be requested as 'further information'. I would acknowledge that the enhancement of local biodiversity is one of stated key objectives of the proposed 'landscape vision'. In this regard the proposed development incorporates a range of open spaces including a 'natural meadow' zone (the attenuation pond area) with pollinator friendly flower seed mix zones and riparian vegetation along the edges. I am satisfied that appropriate biodiversity measures and management could be finalised and agreed by condition in the event of a grant of permission.

8.7.31. I have also noted the third-party concerns raised about the ecological value of the site, including details of the range of bird species recorded on and around the site. However, consistent with the applicant's EcIA I note that no red-listed (high conservation concern) species have been referenced, and I am satisfied that the EcIA contains appropriate surveys and measures to ensure the protection of birds.

8.7.32. Having regard to the foregoing, I am satisfied that, subject to suitable conditions in the event of a grant of permission, the proposed development would not result in an unacceptable ecological impact.

8.8. Archaeology – New Issue

8.8.1. The application is accompanied by an Archaeological Assessment. It outlines that there are no recorded monuments located within the development boundary or its immediate environs. The closest comprise a holy well (LH007-114), situated c. 100m southeast and a cist burial (LH007-089) located c. 250m west. The proposed

development boundary is c. 390m south of the zone of archaeological potential for the historic town of Dundalk (LH007-119). No previous archaeological investigations have been carried out within the proposed development area; with no archaeological remains identified by any nearby investigations. Field inspection noted that the site is heavily overgrown with previous ground disturbances evident in the west. No features of previously unrecorded archaeological potential were identified during the course of this the inspection.

8.8.2. While no evidence for archaeological remains was identified within the area of the proposed development in this assessment, the applicant's assessment acknowledges the site as being a large greenfield open space within the wider setting of a rich archaeological landscape. As such, it acknowledges potential for previously unrecorded features or deposits of archaeological origin to survive beneath the current ground surface. If present, it outlines that ground works associated with the proposed development will have a direct negative impact on any such remains. Accordingly, the applicant's assessment recommends that a programme of archaeological testing be carried out within the footprint of the proposed development area as a condition of planning.

8.8.3. The planning authority received a submission on the application from the DAU Department of Housing, Local Government and Heritage. It notes the large scale of the development and that the site contains the line of the Rampart River historically within lands to the south of the walled town of Dundalk. Based on its scale, extent and location, it outlines that the proposed development could impact on subsurface archaeological remains. In line with national policy (Section 3.6 of the Frameworks and Principles for the Protection of the Archaeological Heritage 1999), the Department recommends that an Archaeological Impact Assessment should be prepared to assess any impact on archaeological remains within the proposed development site. The submission outlines that this assessment should be submitted as Further Information in order to enable the planning authority and the DAU to prepare an appropriate archaeological recommendation before a planning decision is taken.

8.8.4. Although the LCC Planner's Report acknowledges the DAU submission, it does not address the archaeological issues in the assessment of the application. Similarly, the matter has not been addressed in the appeal. Therefore, the Board may consider

this to be a *'new issue'* and seek the views of relevant parties, and/or may wish to seek further information from the applicant on the matter. However, in light of my over-riding substantive concerns about flood risk, I am not recommending this course of action.

8.9. **Wastewater**

8.9.1. Based on the Uisce Eireann (UE) submission, the planning authority highlights concerns that the existing wastewater network does not have adequate capacity to facilitate the proposed development.

8.9.2. I note that the UE submission confirms that wastewater connection is feasible subject to upgrades of the capacity of the existing network as per the Dundalk East Wastewater Network project. This includes upgraded pumps and rising main from Coes Road Pumping Station to Dundalk WWTP and is scheduled to be completed by Q4 2029. The UE submission states that the project will need to be completed to accommodate the full build-out of this site. However, it also states that targeted interim measures, including sewer cleaning on the Coes Road and Eastern By-pass and wider catchment and infiltration reduction works to increase capacity, can accommodate wastewater connections for the initial phases of this development subject to a Connection Agreement.

8.9.3. The planning authority's concern is based on the premise that the proposed development would be built as a single phase and that this would not be facilitated by the phased/interim upgrading of infrastructure as outlined by UE. I acknowledge that the application (CEMP document) outlines that the project would be delivered in a single phase. However, the 5-year lifetime of any permission would extend beyond the expected completion date of the Dundalk East Wastewater Network project (Q4, 2029). Furthermore, I am satisfied that the appropriate phasing of development could be suitably controlled through a condition of any permission and through the connection agreement requirements of UE.

8.9.4. The recently adopted DLAP 2025-2031 also addresses the capacity issue. Section 9.3.3 outlines that the Coes Road wastewater pumping station upgrade is to be completed during the life of the LAP. It states that whilst capacity issues have been identified in the existing wastewater network, design solutions will be set out in the Dundalk-Blackrock Strategic Drainage Study, which will ensure capacity to cater for

the projected population and economic growth during the plan period. Furthermore, the UE Wastewater Treatment Capacity Register (website accessed 24th June 2025) confirms that there is available capacity in Dundalk WWTP.

8.9.5. Having regard to the foregoing, I do not consider that a refusal of permission would be warranted on grounds of inadequate wastewater treatment/network capacity.

8.10. **Building Height, Density (New Issue), & Visual Impact**

Proposed height and density

8.10.1. It is proposed to construct 194 dwellings within a stated site area of 3.05 hectares, resulting in a density of c. 64 units per hectare (uph). The proposed dwellings are to be provided in 8 no. blocks. The blocks on the western part of the site (E,F,G,H) are generally of 3-storey height, with lower heights to the rear of the existing properties on Hill Street. On the eastern part of the site Blocks A, B, C, and D are generally 4- to 5-storey, with lower heights at the northern end of Block C stepping up from the rear of the existing Avenue Road properties.

Local Policy

8.10.2. The CDP does not outline any maximum limits on density or building height for the subject site. It generally supports increased density and height (i.e. policies HOU15, HOU16, SS21, & SS22) subject to appropriate design and impact on the local area. Table 13.3 of the CDP outlines minimum densities of 50 uph for the 'Town/Village Centre' which is close to the appeal site, and which the proposal would exceed.

8.10.3. Table 13.3 also outlines recommended plot ratios of '2' for the 'Town/Village Centre' and '1' for the 'Edge of Settlement'. I note that the application has a stated plot ratio of c. 0.23. However, this appears to be based on the building footprint (i.e. site coverage) rather than the gross floor area. The stated gross floor area (15,267m^2) divided by the site area (3.05ha) would result in a higher plot ratio of c. 0.5. Nonetheless, I consider this ratio to be low for this edge-of-town centre site in comparison to the LCDP recommendations.

8.10.4. The CDP also widely references national guidance such as the Compact Settlement Guidelines and the Building Height Guidelines in the consideration and assessment of density, height, and ultimately quality of design. Section 3.12 outlines the principles and criteria to be taken into account in identifying a potential location for

higher buildings, which are generally consistent with national guidance/criteria. Section 2.14.4 states that a more detailed analysis of the preferred location for taller buildings will be carried out as part of the Urban Area Plan for Dundalk.

8.10.5. The LAP defines a 'building of height' as being 4 storeys or higher, which applies to the proposed Blocks A-D and H. Table 5.1 outlines 'Areas Suitable for Buildings of Height'. Although this does not specifically include the subject location, it states that proposals outside of these locations will be considered on a case-by-case basis. Policy Objective SC6 outlines that any application for a building(s) of height will be required to include a design statement that sets out the overall architectural design concept of the proposal and how it responds to its surrounding context and shall satisfy stated criteria set out in s. 5.6.1 of the LAP and any other relevant criteria in the County Development Plan or Section 28 Guidelines. I consider that the s. 5.6.1 criteria are generally consistent with that outlined in the LCDP and relevant Section 28 Guidelines (i.e. the Building Height Guidelines, the Compact Settlement Guidelines, and the Apartments Guidelines). Similar to the CDP, the LAP recommends minimum densities of 50 uph for the 'Town Centre and Urban Neighbourhood'.

National Policy / Guidelines

8.10.6. Chapter 3 of the *Building Height Guidelines* (2018) outlines a presumption in favour of buildings of increased height in urban locations with good accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

8.10.7. I am satisfied that the LCDP and the DLAP have been prepared in accordance with the key objectives of the NPF and Building Height Guidelines. I acknowledge that the proposed development would exceed the prevailing building height in the area, although the LCDP and the DLAP do not include any specific objectives that would

limit the height or density of development on the subject site. Having regard to the previously developed 'brownfield' nature of the site and its close proximity to the town centre, I am satisfied in principle that increased height and density would be appropriate on the site in accordance with the Building Height Guidelines.

8.10.8. Section 2.4 of the *Apartments Guidelines* outlines that the types of location in cities and towns that may be suitable for apartment development will be subject to proximity and accessibility considerations. It states that 'central and/or accessible urban locations' include sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m) of principal city centres, or significant employment locations, that may include hospitals and third-level institutions. The appeal site is within 1.5km of both Louth County Hospital and Dundalk IT to the south. It is also <500 metres from the town centre, which would be a significant employment location. On the basis of the above, I consider that the site can be considered a 'central and/or accessible urban location' where the Guidelines support small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments. I note that the application classifies the site as an 'intermediate urban location' which is also deemed suitable in the Guidelines for higher density development, or alternatively, medium-high density residential development.

8.10.9. More recently, the *Compact Settlement Guidelines* (2024) set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence.

8.10.10. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

8.10.11. In accordance with Table 3.4 of the Compact Settlement Guidelines, I consider that the site falls within the 'Regional Growth Centre – Centre and Urban Neighbourhood' category. It is a policy and objective of the Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied at such locations, and the proposed development would be within that range.

8.10.12. Section 3.4 of the Guidelines deals with 'Refining Density'. Step 1 of this process is the consideration of proximity and accessibility to services and public transport. While densities within the ranges set out (i.e. 50-150 dph) will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.

8.10.13. Table 3.8 of the Guidelines sets out definitions for terms used to define accessibility based on urban public transport services. In this regard I would acknowledge that the local urban bus services are not highly frequent. However, s. 3.4.1 of the Guidelines also confirms that the criteria are not exhaustive and that a local assessment will be required. Most relevantly, I would highlight this edge of town centre location which is within easy walking distance of a wide range of services and employment opportunities. It is also within walking distance of the Long Walk Bus Station and Dundalk Rail Station, which both offer a range of inter-urban services in addition to the town services. Therefore, consistent with my assessment of the Apartments Guidelines criteria, I am satisfied that the site can be considered central and accessible where densities at or above the mid-density range should be encouraged.

8.10.14. Step 2 of the process involves considerations of character, amenity and the natural environment, which are discussed under the headings below.

<u>Local Character</u>

8.10.15. The immediate surrounding area is mainly characterised by smaller scale residential development, although the existing 3-storey student block to the east is of larger scale. The site appears to have previously included commercial buildings which were demolished several years ago. It is mainly overgrown and appears to be suffering from neglect and littering etc. Therefore, the redevelopment of the site would certainly be encouraged.

8.10.16. I acknowledge that the proposed development would be different in character and scale to the majority of existing development. However, I consider that the proposed height strategy maintains a suitable distance between existing development and the larger blocks, as well as employing a sensitively stepped approach to increased height/scale at the interface with existing development. Furthermore, having regard to the significant size of the site and its under-utilised state, I consider that it has the capacity to accommodate change and define its own character. Accordingly, I am satisfied in principle that development of this height and scale can be accommodated without seriously detracting from local character.

Historic Environments

8.10.17. The site is not within or adjoining any Architectural Conservation Areas or Protected Structures. However, as outlined in section 8.8 of this report, I would acknowledge that based on its scale, extent and location, the proposed development could impact on subsurface archaeological remains.

Protected Habitats and Species

8.10.18. As outlined in sections 8.7 (Ecology) and 10 (Appropriate Assessment Screening) of this report, I do not consider that the proposed development would have any unacceptable impacts on protected habitats and species.

Amenities of Residential Properties

8.10.19. As outlined in section 8.5 of this report, I do not consider that the proposed development would have any unacceptable impacts on the residential amenities of existing properties.

Water Supply and Wastewater Networks

8.10.20. The Uisce Eireann submission on file confirms that the proposed water connection is feasible without infrastructure upgrade. As outlined in section 8.9 of this report, I acknowledge the comments of Uisce Eireann regarding the need for wastewater upgrades to facilitate the full build-out of the scheme, but I do not consider that the development should be constrained on this basis.

8.10.21. In addition to the ‘Step 1’ and ‘Step 2’ considerations outlined above, Section 4.4 and Appendix D of the Compact Settlements Guidelines outline ‘Key Indicators of Quality

Design and Placemaking' to be applied in accordance with Policy and Objective 4.2. The 'Key Indicators' are considered under the following headings.

Sustainable and Efficient Movement

8.10.22. This is an edge of town centre site which is within easy walking distance of a wide range of services and amenities, including the main bus station and rail station. It incorporates a reduced car-parking ratio which appropriately supports the transition away from private car use and has been suitably designed to support universal access and bicycle use. Notwithstanding my previously outlined concerns about the need to address existing and proposed cycle/pedestrian routes within the site, the scheme maintains the existing pedestrian/cycle path through the site which significantly adds to the accessibility and permeability of the scheme as part of a wider street network. The development also proposes a bus stop to link with planned public transport upgrades along the Dublin Road. And consistent with Policy and Objective 4.1 of the Guidelines, I have previously outlined satisfaction about compliance with the principles, approaches and standards set out DMURS.

Mix and Distribution of Uses

8.10.23. The proposed development includes a creche and a range of open spaces/play facilities to support the predominant residential use, which is consistent with the residential zoning for the site. Furthermore, given the close proximity of the site to the town centre and other services and facilities, I am satisfied that the proposed development will be suitably supported by non-residential uses. The development also incorporates a suitable mix of apartment units which would complement the existing predominant mix of terraced and semi-detached houses.

8.10.24. The proposed redevelopment would help to revitalise an under-utilised site, and the limited extent of parking and proposed active travel measures will ensure that the public realm is not dominated by car usage/parking.

Green and Blue Infrastructure

8.10.25. While I have outlined that the proposed development includes appropriate measures to protect biodiversity, I have also noted that the LCDP would encourage the daylighting of the existing Ramparts River, and I have concluded that the proposed development is unacceptable from a flood risk perspective. I consider that these

matters should be resolved in order to satisfactorily address green and blue infrastructure requirements.

Public Open Space

8.10.26. The proposed public open space centres around the existing cycle/pathway through the site, the Blackwater River, and the proposed seasonal wetland attenuation pond. Excluding the seasonal pond, the public open space is stated to amount to 5,250m^2 (17% of site area), which would exceed the requirements of the LCDP and the Compact Settlement Guidelines (Policy & Objective 5.1).

8.10.27. The public open space is mainly located centrally within the site and is easily accessible to the public and residents alike, being located along the existing public route through the site. The space caters for a variety of active and passive recreation and includes proposals to conserve and restore nature and biodiversity associated with the existing and proposed drainage system.

Responsive Built Form

8.10.28. As previously outlined, I consider that the form and scale of development generally respects existing development and would define a new character at this location. Block H forms a strong feature along Hill Street and the remaining blocks appropriately respond to main routes through the site (i.e. Mouneview access, Blackwater River, and the existing pedestrian/cycle path). However, as previously outlined, I would have outstanding concerns about the proposed arrangements around the linear open space bounded by Hill Street and Blocks F and G.

Conclusion

8.10.29. In conclusion, I would acknowledge that the proposed density (64 uph) is within the recommended range (50-150 uph) as per the Compact Settlement Guidelines and exceeds LCDP recommendations for >50 uph. However, having regard to the central and accessible location of the site, I consider that a higher density at or above the mid-density range should be encouraged in accordance with the Guidelines. This view would be re-enforced by the fact that the proposed plot ratio (0.5) is significantly lower than LCDP recommendations.

8.10.30. I acknowledge that the aforementioned flood risk concerns would limit the residential capacity of the site. However, I consider that higher densities can be achieved

outside the flood risk areas and that this would help ensure the delivery of a suitable quantum of residential development on this central and accessible brownfield site.

8.10.31. This is a *new issue* in the context of the appeal*,* and the Board may wish to seek the views of the parties or to seek further information on the matter. However, I consider that this would require significant revisions to the proposed design and my substantive concerns about flood risk would still apply. Accordingly, I am not recommending this course of action.

9.0 **Water Framework Directive – New Issue**

9.1. The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report. The Ramparts River runs south-to-north in a culverted section through the site. It continues in a northeast direction (EPA Name: Castletown_030) through the town centre to discharge to Dundalk Bay (c. 1.6km from the site). The River Blackwater (EPA Name: Ramparts_010) also originates on site through a controlled flow outlet from the Ramparts River. It flows from a central part of the site in a northern direction before turning east along the northern site boundary. It flows further eastwards to discharge to Dundalk Bay (c. 3.8km from the site).

9.2. The northeastern part of the site consists of marshy wetland. According to the Site Investigations report, published geological mapping indicates the superficial deposits underlying the site comprise urban sediments and marine gravels and sands, underlain by calcareous red-mica greywacke of the Clontail Formation. Ground investigations encountered: Topsoil (200mm thick); Made ground in the form of reworked sandy gravelly clay fill or sandy gravel fill with varying fragments to a depth of c. 2m; underlain by marine sands and gravels. Groundwater was encountered at surface level in some parts of the site.

9.3. A Site-Specific Flood Risk has been submitted with the application. However, as outlined in section 8.3 of this report, I am not satisfied with the flood risk associated with the proposed development.

9.4. As outlined in Appendix 3, the WFD status of the Blackwater River is ‘poor’, the underlying groundwater body is ‘good’, while the relevant transitional waterbodies are ‘poor’ (Castletown Estuary) and ‘moderate’ (Inner Dundalk Bay). The transitional

waterbodies are ‘at risk’ of not achieving WFD status, while the Blackwater River’s risk is under review.

9.5. I have concluded that there is only limited connectivity with the transitional waterbodies, and I do not consider that the proposed development would impact on water quality or regime. However, having regard to the outstanding flood risk concerns, I am not satisfied that the proposed development would not result in a risk of deterioration of waterbodies (Blackwater River and Louth Groundwater body) or that it would not jeopardise these waterbodies in reaching their WFD objectives.

9.6. Therefore, in accordance with Appendix 3 of this report, I conclude on the basis of objective information that the proposed development would not comply with WFD Objectives. The reasons for this conclusion are as follows:

- The nature and scale of the proposed development.
- The proximity of the proposed development to waterbodies and the hydrological connections to same.
- The potential to impact on the water quality and hydrological regime of the waterbodies as a result of flood risk.

9.7. This is a *new issue* in the context of the appeal*,* and the Board may wish to seek the views of the parties or to seek further information on the matter. However, the issue is inextricably linked to my substantive concern about flood risk. Accordingly, I am not recommending this course of action.

10.0 Appropriate Assessment Screening

10.1. Introduction

The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under part XAB, sections 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment.

10.2. **Compliance with Article 6(3) of the EU Habitats Directive**

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 competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.3. **Screening the need for Appropriate Assessment**

An AA Screening exercise has been completed (see Appendix 2 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SAC in view of the conservation objectives of these sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission should be **refused** for the proposed development for the reasons and considerations set out in the following Draft Order.

12.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2560018

Appeal by Stephen Ward Town Planning & Development Consultants Ltd., on behalf of Zirbac DLK Ltd., against the decision made on the 10th day of March 2025, by Louth County Council to refuse permission for the proposed development.

Proposed Development comprises the following:

194 no. apartments (32no. 1-bed, 133no. 2-bed and 29no. 3-bed) in 8no. distinctive blocks (A to H) ranging in height from part one storey to five storeys in height across the site together with all associated public, communal and private open space, car parking, cycle parking (including lockers) and bin storage structures, all associated site development works and services including public lighting and 2no. ESB substations. Site works include the raising of the site in parts and the diversion of existing piped infrastructure. The proposed development provides for a childcare facility within Block A. The childcare facility will have its own outdoor play space and set down area as well as staff car parking and bicycle parking. In order to preserve the integrity of the existing pedestrian/cycle track from the Dublin Road to the Avenue Road (Long Avenue) and the open section of the River Blackwater that run north-south broadly through the centre of the site, two separate vehicular accesses are proposed to serve the development from the Dublin Road/Hill Street. A

pedestrian/cycle only link will be provided across the Blackwater River. The first vehicular access will be a new access onto Dublin Road / Hill Street and will serve 75 dwellings. The second vehicular access is the existing access road onto Dublin Road at Mourne View Hall which will provide access to 119no. apartments. A new bus stop will also be provided fronting onto Dublin Road along with cycle stands for the proposed Dundalk Bike Scheme.

Decision

REFUSE permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Reasons and Considerations

1. A significant portion of the proposed development is in an area which is deemed to be at risk of flooding by reference to the Louth County Development Plan 2021-2027 ('the Development Plan') and the documentation submitted with the application and appeal. The provisions of the Development Plan follow the key principles of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of Environment Heritage and Local Government and Office of Public Works in 2009 ('the Flood Risk Management Guidelines') by firstly aiming to avoid flood risk where possible, which is considered reasonable. It is considered that the proposed development of highly vulnerable residential use in areas of flood risk would be contrary to the precautionary approach outlined in the Flood Risk Management Guidelines, would materially contravene Development Plan Policy Objective IU 33, and would be contrary to Development Plan Policy Objectives IU 26 and IU 27. The proposed development would, therefore, result in an increased flood risk both within the proposed development and on surrounding lands, would be prejudicial to public health and safety, and would be contrary to the proper planning and sustainable development of the area.

2. The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ issued by the Department of Housing, Local Government and Heritage (2023) outline the need for well-designed communal amenity space that meets minimum area requirements; is accessible, secure and usable; and which may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Having regard to: the absence of any dedicated communal amenity space to serve proposed Blocks C & E; the substandard size of the space proposed to serve Blocks A & B; and the substandard design quality and functionality of the proposed space to serve Blocks F & G; it is considered that the proposed development would fail to adequately address, and would be contrary to, the requirements of the aforementioned Guidelines issued under Section 28 of the Planning and Development Act, 2000 (as amended). The proposed development would provide a substandard form of development for future occupiers in terms of residential amenity, would give rise to a poor standard of development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the nature, size, and location of the development; its inclusion within a class of development specified in Part 2, Schedule 5, of the Planning and Development Regulations 2001 (as amended); the absence of adequate information for the purposes of screening sub-threshold development for the requirement for Environmental Impact Assessment in accordance with Schedule 7A of the Planning and Development Regulations 2001 (as amended); together with the potential for significant environmental effects associated with flood risk, water, and archaeology; it is considered that there is significant and realistic doubt with regard to the likelihood of significant effects on the environment arising from the proposed development. The proposed development would, therefore, give rise to potential significant effects on the environment and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

30th June 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322222-25
Proposed Development Summary	Large scale residential development (LRD): Development of 194 apartments in 8 blocks with a childcare facility within Block A and all associated site works
Development Address	Hill Street/Dublin Road, Dundalk, Co. Louth
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Part 2, Class 10(b)(i) – More than 500 dwelling units. Part 2, Class 10(b)(iv) - An area greater 10 hectares in the case of other parts of a built-up area outside the business district.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____

Appendix 1
Form 2 - EIA Preliminary Examination

Case Reference	ABP-322222-25
Proposed Development Summary	Large scale residential development (LRD): Development of 194 apartments in 8 blocks with a childcare facility within Block A and all associated site works
Development Address	Hill Street/Dublin Road, Dundalk, Co. Louth
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The proposed development involves the construction of 194 dwellings, a creche, and associated open spaces, services etc. The size of the site (c. 3ha) is significant in the context of this edge of-town centre location (2ha is the threshold for the nearby town centre 'business district'. It is a standalone development with no significant cumulative developments. The residential nature of the development is consistent with existing development. The development does not involve demolition works. The use of natural resources and the production of waste and nuisance would be typical of inner urban residential development. The main emissions are surface water and wastewater which will be discharged to existing drainage systems. As per section 8.3 of this report, I have raised concerns about the potential flood risk for the proposed development and surrounding areas, which also has potential impacts for water quality and regime.
Location of development	The site is located to the south of Dundalk Town Centre and is mainly surrounded by residential uses. Previous commercial buildings on site have been demolished and removed. The site is currently unused apart from a public cycle/path route. The nearest Natura 2000 sites are the Dundalk Bay SPA and Dundalk Bay SAC (both c. 1.6km to the northeast). Impacts on European Sites can be

	addressed under Appropriate Assessment Screening (See Section 10 of this report). There is evidence of Japanese Knotweed (Invasive Species) and limited potential for bat roosting on site, but these matters can be suitably addressed as part of the normal planning assessment. The area is not of significant built heritage value and impacts on the character of the area can be suitably considered as part of the normal planning assessment. The River Blackwater runs through the site and part of the site consists of marshy wetland. As previously outlined, there are outstanding flood risk concerns and potential associated impacts on water quality and regime. As per 8.8 of this report, this large site is located within a rich archaeological landscape and there is potential that the proposed development could impact on subsurface archaeological remains.
Types and characteristics of potential impacts	The main potential ecological/biodiversity impacts on site (i.e. bats and invasive species) are localised impacts and have been adequately mitigated in the proposed development. And as outlined in section 10 of this report, I do not consider that impacts would extend from the site to potentially have significant impacts on any Natura 2000 sites. I have outlined outstanding concerns about the potential for flood risk within the site and surrounding properties. Having regard to the nature and extent of potential impacts on existing and proposed properties, as well as potential associated impacts on water quality and regime, I consider that there is significant and realistic doubt regarding the likelihood of significant effects on the environment. I have also outlined concerns about the potential impact on subsurface archaeological remains. Having regard to the nature, extent and permanent duration of potential impacts, I consider that there is significant and realistic doubt regarding the likelihood of significant effects on the environment.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	**Schedule 7A Information required to enable a Screening Determination to be carried out.** **However, in light of the more substantive concerns outlined in my report, I do not recommend that Schedule 7A information is requested.**

Inspector: _____ Date: _____

Appendix 2
AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Large scale residential development (LRD): Development of 194 apartments in 8 blocks with a childcare facility within Block A and all associated site works. See Section 2 of the main report for further details.
Brief description of development site characteristics and potential impact mechanisms	The site has an area of c. 3ha. It was previously developed but is now overgrown and largely unused. The site slopes gradually down to the northeast and the northeast portion of the site comprises marshy wetland identified as a flood risk. The Ramparts River runs from south to north in a culverted section through the site. It continues in a northeast direction through the town centre to discharge to Dundalk Bay (designated SAC & SPA) c. 1.6km from the site. The River Blackwater also originates on site through a controlled flow outlet from the Ramparts River. It flows from a central part of the site in a northern direction before turning east along the northern site boundary. It flows further eastwards to discharge to Dundalk Bay (designated SAC & SPA) c. 3.8km from the site. According to the Site Investigations report, published geological mapping indicates the superficial deposits underlying the site comprise urban sediments and marine gravels and sands, underlain by calcareous red-mica greywacke of the Clontail Formation. Ground investigations encountered: Topsoil (200mm thick); Made ground in the form of reworked sandy gravelly clay fill or sandy gravel fill with varying fragments to a depth of c. 2m; underlain by marine sands and gravels. Groundwater was also encountered at surface level in some parts of the site. The surface water strategy proposes a range of SuDs and attenuation measures prior to controlled outfall to the Blackwater River.

Screening report	Yes (Prepared by Enviroguide Consulting)
Natura Impact Statement	No
Relevant submissions	The LCC decision outlines that the planning authority is not satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European Sites (Dundalk Bay SAC and SPA) and other sites in the Natura 2000 network in view of the sites' Conservation Objectives primarily due to the flood risk concerns that pertain to the site. The Uisce Eireann submission confirms that water/wastewater connections are feasible subject to upgrades. A submission from An Taisce highlights the need for assessment against Article 4 of the Water Framework Directive. Third-party submissions raise concerns about flooding, potential pollution of the Blackwater River and Dundalk Bay SAC & SPA, and compliance with the Habitats Directive and Water Framework Directive.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Dundalk Bay SPA (004026)	One of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. QIs and Conservation Objectives are listed at the following link: www.npws.ie/protected-sites/spa/004026	1.6km	Via surface water and potential flooding (Blackwater River). The Ramparts River is culverted through the site and does not provide a connection. Via foul water discharge which outfalls to Dundalk Bay.	Yes

Dundalk Bay SAC (000455)	A very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats. QIs and Conservation Objectives are listed at the following link: www.npws.ie/protected-sites/sac/000455	1.6km	Via surface water and potential flooding (Blackwater River). The Ramparts River is culverted through the site and does not provide a connection. Via foul water discharge which outfalls to Dundalk Bay.	Yes

The above sites are the only relevant sites identified in the applicant's AA Screening Report. I acknowledge other Natura 2000 sites in the wider environment (Carlingord Lough SPA, North-west Irish Sea SPA, Stabannan-Braganstown SPA, Carlingford Mountain SAC, Carlingford Shore SAC, and Clogher Head SAC). However, having considered the Source-pathway-receptor model, I do not consider these other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Surface Water

During the Construction Phase, surface water run-off containing silt/sediments or other pollutants could inadvertently flow into the Blackwater River and flow to Dundalk Bay. During the Operational Phase, surface water will be discharged to the Blackwater River. As such, there is a potential hydrological pathway via surface water run-off to Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026).

However, the application includes a range of standard construction and operational practice measures that would be implemented regardless of proximity to a European Site (i.e. not mitigation). These measures would significantly reduce the potential for impact. Furthermore, the pathway to these downstream European sites is c. 4km long, over which any potential pollutants would become diluted to indiscernible levels. Therefore, this hydrological pathway is considered insignificant.

Notwithstanding outstanding flood risk concerns on the site, I also consider that any flood related impacts on the quality or regime of water would be diluted/dispersed to insignificant levels at the distant downstream European Sites.

Wastewater

The site will also be connected to the public foul water sewer network at operational stage, which will discharge to Dundalk Bay from Dundalk WwTP. As such, there is a hydrological link to Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026). However, the potential

for effects is not considered significant given that there is adequate hydraulic and organic capacity available in the WWTP.

Groundwater

Potential discharges to ground could potentially migrate vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the downgradient receiving surface waterbodies, thereby contributing to the hydrological pathway to European sites downstream of the Site. However, no direct hydrogeological pathways to any European sites exist due to the considerable distance of 1.6km (as the crow flies) and intervening watercourses between the Proposed Development and the nearest downstream European sites. Furthermore, the groundwater body relating to the site (Louth) is largely separated from the nearest parts of Dundalk Bay by another waterbody (Dundalk Gravels).

Other Effects

Although the construction and operational stages will lead to increased disturbance, there are no designated sites within the disturbance Zone of Influence, i.e. 150m for mammals, and 300m for birds. The nearest European site to the Proposed Development is c.1.6km away.

The Site does not provide suitable ex-situ habitat for any of the bird species associated with the surrounding European sites.

AA Screening matrix

Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Dundalk Bay SPA (004026) QI list Great Crested Grebe; Greylag Goose; Light-bellied Brent Goose; Shelduck; Teal; Mallard; Pintail; Common Scoter; Red-breasted Merganser; Oystercatcher; Ringed Plover; Golden Plover; Grey Plover; Lapwing; Knot;	Direct: None Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts (long-term) on surface water quality due to operational discharge to the Blackwater River. Negative impacts on water quality/regime at construction and operational stage due to flooding.	Significant effects on habitat and species as a result of water quality/regime impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the SPA.

Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Black-headed Gull; Common Gull; Herring Gull; Wetland and Waterbirds	Negative impacts on water quality at operational stage due to wastewater discharge.	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	**Effects**
Site 2: Dundalk Bay SAC (000455) QI list Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows	Direct: None Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts (long-term) on surface water quality due to operational discharge to the Blackwater River. Negative impacts on water quality/regime at construction and operational stage due to flooding. Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality/regime impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the SAC.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site
I conclude that the proposed development (alone) would not result in likely significant effects on Dundalk Bay SPA or Dundalk Bay SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SAC in view of the conservation objectives of these sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

Appendix 3

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322222-25	**Townland, address**	Hill Street/Dublin Road, Dundalk, Co. Louth
Description of project		Large scale residential development (LRD): Development of 194 apartments in 8 blocks with a childcare facility within Block A and all associated site works.	
Brief site description, relevant to WFD Screening,		The Ramparts River runs south-to-north in a culverted section through the site. It continues in a northeast direction (EPA Name: Castletown_030) through the town centre to discharge to Dundalk Bay (c. 1.6km from the site). The River Blackwater (EPA Name: Ramparts_010) also originates on site through a controlled flow outlet from the Ramparts River. It flows from a central part of the site in a northern direction before turning east along the northern site boundary. It flows further eastwards to discharge to Dundalk Bay (c. 3.8km from the site). The northeastern part of the site consists of marshy wetland. According to the Site Investigations report, published geological mapping indicates the superficial deposits underlying the site comprise urban sediments and marine gravels and sands, underlain by calcareous red-mica greywacke of the Clontail Formation. Ground investigations encountered: Topsoil (200mm thick); Made ground in the form of reworked sandy gravelly clay fill or sandy gravel fill with varying fragments to a depth of c. 2m; underlain by marine sands and gravels. Groundwater was also encountered at surface level in some parts of the site.	

Proposed surface water details	Surface Water is to flow by gravity via a series of pipe networks, Raingardens, Filter drains, Permeable Paving, Silt Trap Manholes, Road Gullies, attenuation tanks, flow control valves and Petrol Interceptors into strategically located attenuation tanks with pumped controlled outfalls to the adjacent Blackwater River. The strategy splits the development site into 2 plots: Plot A west of the Blackwater and Plot B to the east. A new surface water drainage network will manage run-off volumes through onsite storage with surface rates less than the current greenfield rates for all hardstanding areas including roofs, roads and pavements. Storm water storage for a 100-year storm with 30% additional Climate Change Factor is included in the design. Petrol Interceptors have been provided to capture any oils and hazardous substances such as hydrocarbons, metals, and suspended solids. Raingardens (Bioretention facilities) have been included to increase rain run-off reabsorption into the soils and for plants. Permeable paving in the carparking area provides additional storage and infiltration at source.
Proposed water supply source & available capacity	A review of the Uisce Eireann Capacity Register (Published December 2024) on 24/6/2025 indicated that capacity is available in Dundalk subject to 'Level of service' (LoS) improvement to meet 2033 population targets.
Proposed wastewater treatment system & available capacity, other issues	A review of the Uisce Eireann Capacity Register (Published December 2024) on 24/6/2025 indicated spare capacity available at the Dundalk WWTP.
Others?	A Site-Specific Flood Risk Assessment Report accompanies the application. As outlined in section 8.3 of this report, I consider that there is an unacceptable flood risk associated with the proposed development. As previously outlined, the watercourses associated with the site are linked to Dundalk Bay, which includes designated Natura 2000 sites Dundalk Bay SPA and Dundalk Bay SAC.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
River	Culverted through the site	Ramparts River – Identified by EPA as part of Castletown_030	Moderate	At Risk	Agriculture, Urban Run-off	No – River is culverted through the site and no alterations or direct connections are proposed.
River	Open section through the site	Blackwater River – Identified by EPA as part of Ramparts_010	Poor	Review	None identified	Yes – Surface water will be discharged and potential connectivity through flooding.
Groundwater	Underlying	Louth (IEGBNI_NB_G_019)	Good	Not at Risk	None identified	Yes - Via the overlying soil and potential flooding.
Groundwater	c. 30m north	Dundalk Gravels (IE_NB_G_031)	Good	Not at Risk	None identified	No – Different groundwater body, no connectivity via Castletown_030
Transitional	1.6km to northeast	Castletown Estuary (IE_NB_040_0200)	Poor	At Risk	Urban wastewater	Yes – Via WWTP outfall.
Transitional	3.8km east	Inner Dundalk Bay (IE_NB_040_0100)	Moderate	At Risk	Urban wastewater	Yes – Connectivity via Ramparts_010 outfall and WWTP outfall.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	**Component**	**Water body receptor (EPA Code)**	**Pathway (existing and new)**	**Potential for impact/ what is the possible impact**	**Screening Stage Mitigation Measure***	**Residual Risk (yes/no)** **Detail**	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Ramparts_010 (IE_NB_06R010300)	CMEMP outlines proposed surface water discharge.	Siltation, pH (Concrete), hydrocarbon spillages, river crossing construction. Impact on hydrological regime due to flooding.	Standard construction practice in CMEMP. Flood mitigation measures.	Yes. As outlined in section 8.3 of this report, I am not satisfied that proposed development would not be affected by flooding. May significantly alter water quality and the hydrological regime.	Screened in.
2.	Ground	Louth (IEGBNI_NB_G_019)	Via the overlying soil and potential groundwater flooding.	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological regime due to flooding.	Standard construction practice in CMEMP. Flood mitigation measures.	Yes. As outlined in section 8.3 of this report, I am not satisfied that proposed development would not be	Screened in.

						affected by flooding. May significantly alter water quality and the hydrological regime.	
3.	Transitional	Inner Dundalk Bay (IE_NB_040_0100)	Via the Ramparts_010 outfall.	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological regime.	Standard construction practice in CEMP. Flood mitigation measures.	No. Having regard to the size and transitional nature of the waterbody and the significant separation distance (>4km via Ramparts_010) I do not consider that there would be significant impacts on water quality or regime.	Screened out.
OPERATIONAL PHASE							
1.	Surface	Ramparts_010 (IE_NB_06R010300)	Storm water will be directly discharged.	Hydrocarbon spillage / pollution, flooding.	SUDs features and storm water management. Flood mitigation measures.	Yes. As outlined in section 8.3 of this report, I am not satisfied that proposed development	Screened in.

						would not be affected by flooding. May significantly alter water quality and the hydrological regime.	
2.	Ground	Louth (IEGBNI_NB_G_019)	Via the overlying soil and potential groundwater flooding.	Hydrocarbon spillage / pollution, flooding.	SUDs features, storm water management. Flood mitigation measures.	Yes - As outlined in section 8.3 of this report, I am not satisfied that proposed development would not be affected by flooding. May significantly alter water quality and the hydrological regime.	Screened in
3.	Transitional	Inner Dundalk Bay (IE_NB_040_0100)	Via the Ramparts_010 outfall. Via WWTP outfall	Hydrocarbon spillage / pollution. Impact on hydrological regime. WWTP pollution	SUDs features, storm water management. Flood mitigation measures. WWTP measures	No. Having regard to the size and transitional nature of the waterbody, the significant separation distance (>4km via Ramparts_010) and the WWTP	Screened out.

						capacity, I do not consider that there would be significant impacts on water quality or regime.	
4.	Transitional	Castletown Estuary (IE_NB_040_0200)	Via WWTP outfall.	Pollution from WWTP.	WWTP measures.	No. The outfall is on the periphery of this waterbody of significant size and transitional nature. The WWTP has adequate hydraulic and organic capacity.	Screened out.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	**Objective 1:Surface Water** Prevent deterioration of the status of all bodies of surface water	**Objective 2:Surface Water** Protect, enhance and restore all bodies of surface water with aim of achieving good status	**Objective 3:Surface Water** Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	**Objective 4: Surface Water** Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Construction Works	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	N/A	N/A	No
Stormwater Drainage	Adequately designed SUDs features; Flood Mitigation Measures	Adequately designed SUDs features; Flood Mitigation Measures	N/A	N/A	No
Pedestrian/cycle bridge crossing of watercourse	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	N/A	N/A	No

Details of Mitigation Required to Comply with WFD Objectives – Template				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	**Objective 1: Groundwater** Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	**Objective 2 : Groundwater** Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	**Objective 3 : Groundwater** Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	
Construction Works	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	Site specific construction mitigation methods described in the CMEMP; flood mitigation measures.	N/A	No
Stormwater Drainage	Adequately designed SUDs features; Flood Mitigation Measures	Adequately designed SUDs features; Flood Mitigation Measures	N/A	No