



An
Coimisiún
Pleanála

Inspector's Report

ACP-323663-25

Development

Permission for proposed development to consist of a six-storey over basement mixed-use development and all site works. The application is accompanied by a Natura Impact Statement (NIS)

Location

Lands at 23 and 24 Francis Street, Dundalk, Co. Louth.

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2460751

Applicant(s)

Nera Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Nera Investments Ltd.

Observer(s)

None

Date of Site Inspection

5th March 2026

Inspector

Emma Gosnell

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.041ha and is located at 23 – 24 Francis Street in the town centre of Dundalk. It comprises of a 1-2 storey vacant commercial building and a 3-storey office building (currently occupied by Unite Trade Union) which together form part of the streetscape on the northern side of Francis Street, a mixed-use street which is within the Architectural Conservation Area of Roden Place. The site also incorporates a gated alleyway off Francis Street on its west side which leads to an ESB substation on third party lands to the rear of the property. There is no car parking on the site.
- 1.2. To the north, the site backs onto No's 5-8 Crowe Street, mixed-use buildings which range in height generally from 1-3 storeys a number of which are also Protected Structures (No. 5 – RPS No. D174, No. 7 – RPS No. D175, No. 8 – RPS No. D176). Crowe Street also houses Dundalk Courthouse and the An Táin Arts Centre. To the south, the site directly adjoins the public footpath on Francis Street. Adjoining the site to the west is a 2-storey building housing a hair salon, security store and taxi company at ground level with mixed use accommodation above. The site also abuts the recent rear extension to Protected Structure D192 (NIAH No. 13705097) which fronts onto Earl Street to the west. Directly adjoining the site to the east is a cleared development site at No. 21 Francis Street which is enclosed by hoarding and is currently in use for car parking.
- 1.3. Francis Street is a busy one-way street with on-street parking on both sides. It has a mix of building types with a prevailing height of two to three storeys. The southern side of the street has a coherent urban form and is in better physical order than the northern side, which has a large vacant site in the centre of the street and a number of vacant buildings.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of office and retail building and the construction of a six-storey over basement mixed-use development which will be accessed off Francis Street, which includes: (a) The provision of bin, bicycle and bulky goods storage along with storage and plant rooms at basement level (accessed via central core no. 2). (b) The provision of a ground floor office on the east side of the

building and a ground floor retail unit on the west side of the building (cumulatively c. 219sq.m). (c) Provision of 10 no. 1-bed apartments and 10 no. 2-bed apartments (comprising of 2 no. 3-person 2-beds and 8 no. 4-person 2-beds) on first to fifth floor levels accessible via 2 no. separate cores at either side of the proposed retail unit. (d) Provision for foul and surface water drainage. (e) Demolition of the existing two-storey office and retail buildings on the site. (f) All other associated and ancillary works. The application is accompanied by a Natura Impact Statement (NIS).

2.2. The design of the development was not altered at further information stage.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 25/08/2025 for 5 no. reasons:

“1. The proposed development has not been revised to address concerns regarding the internal layout and density. The Planning Authority requested a reduction in unit numbers to improve residential quality and address awkward room configurations. The applicant did not make any changes and instead relied solely on compliance with minimum standards. This approach fails to meet the qualitative expectations set out in Policy Objective HOU 20 of the Louth County Development Plan 2021-2027 (LCDP) (as varied), which requires a design-led approach to sustainable residential development, and Section 13.8.27 of the LCDP, which emphasises the importance of functional and well-designed apartment layouts. The lack of meaningful improvement results in a substandard living environment and constitutes overdevelopment of the site.

2. The applicant has not addressed the Planning Authority’s concerns regarding staggered walls and overlapping circulation areas, which negatively affect the usability and spatial efficiency of the apartments. These design inefficiencies are indicative of poor internal planning and compromise the overall quality of the scheme. The proposal does not align with Policy Objective HOU 28 of the Louth County Development Plan 2021-2027 (LCDP) (as varied) which promotes innovative design that contributes positively to the built environment, nor does it satisfy the principles of good urban design outlined in Section 13.8.19 of the LCDP. In the absence of any improvements,

the development fails to demonstrate a coherent and high-quality internal layout and is contrary to proper planning and sustainable development.

3. The applicant has not improved the provision of bulky goods storage or demonstrated that the proposed area is sufficient to serve all residential units. While flexibility may be considered for urban infill sites, the Apartment Guidelines (2023) clearly state in Section 3.32 of the Louth County Development Plan 2021-2027 (LCDP) (as varied) that communal storage for bulky items should be provided outside individual units. The proposal does not meet this standard, nor does it align with Policy Objective HOU 25 of the LCDP, which requires compliance with the Development Management Guidelines in Chapter 13. The absence of adequate bulky storage undermines the functionality of the development and fails to support long-term residential amenity and is contrary to proper planning and sustainable development.

4. The applicant has not provided any communal open space and has not made improvements to justify its omission. Given the high density and limited site area, the absence of communal amenity space significantly detracts from the quality of the living environment. The proposal does not meet the requirements of Section 13.8.15 of the Louth County Development Plan 2021-2027 (LCDP) (as varied) which mandates the provision of functional and passively overlooked communal open space, nor does it comply with Policy Objective HOU 24 of the LCDP which seeks high-quality public open space in new residential developments. The lack of on-site communal space, combined with the overall poor design quality, renders the proposal unacceptable.

5. The applicant has not revised the bin storage provision to adequately support a three-bin system for the proposed 20 apartments and 2 commercial units. The Planning Authority previously identified that the volume and layout were insufficient, and this concern remains unresolved. The proposal does not comply with Section 13.8.29 of the Louth County Development Plan 2021-2027 (LCDP) (as varied), which sets standards for bin storage in apartment schemes, and fails to meet Policy Objective HOU 25 of the LCDP, which requires adherence to the Development Management Guidelines. The inadequate waste management infrastructure compromises the operational functionality of the development and its suitability for long-term residential use”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

Planner's Report (27/01/2025) – Initial Application Stage

Key points of note raised in the report are as follows:

- *Principle of Development* – proposed uses permitted in principle on B1 zoning and redevelopment of brownfield site is in line with national compact growth policy and with LCDP Core Strategy.
- *Extant Permission* - Noted external building design same as that permitted under P.A. Ref. 24/60024 and is acceptable on this basis. Height/ scale justified with regard to same and the Urban Development and Building Height Guidelines (2018).
- *Apartment Unit Mix, Sizing, Aspect and Stair Cores* – comply with minimum standards set out under SPPRs 1-4 and 6 of 2023 Apartment Guidelines.
- *Building Layout* – design pinch points and design inefficiencies in internal layout undermine housing quality and indicate that the proposal constitutes the overdevelopment of the site. Noted that the Fire Service has concerns with regard to the internal layout of the proposal. Unit numbers may need to be reduced to address these qualitative issues. **FI recommended.**
- *Floor to Ceiling Height* - a reduction in floor to ceiling height in line with SPPR5 has not been justified. **FI recommended.**
- *Storage* – proposed communal storage area not adequate to provide for 3-bin system for the collection of recyclables, organic waste and residual waste for both the 20 no. apartments and the 2 no. commercial units. Inadequate provision made for external/ bulky storage provision for apartments. **FI recommended.**
- *Security* – single point of access (from Francis Street) is acceptable.
- *Demolition in ACA* – acceptable as existing building detracts from streetscape, and its removal and replacement will improve character and appearance of area.
- *Conservation* - proposed design and material choice would complement the existing ACA context & would not adversely impact Protected Structures in vicinity.

- *Materials & Finishes* – submitted Building Lifecycle Report does not include sufficient details or costings on same, with discrepancies on proposed finishes (when compared to elevation drawings). Whilst materiality is generally acceptable, inadequate detail is provided on proposed fenestration finishes, landscaping and on alley's interface with Francis Street. **FI recommended.**
- *Private Open Space* – size, layout and aspect/ orientation of balconies acceptable.
- *Communal Amenity Space* – 2023 Apartment Guidelines allows PA discretion to relax requirements for communal space. PA will not grant relaxation on requirement on basis of concerns regarding internal layout & suboptimal housing quality. **FI recommended.**
- *Daylighting* – submitted Daylight Analysis and Overshadowing report notes 100% compliance with BS EN 17037:2018. PA concerned that impact of balconies to apartments not considered and may impact on internal daylighting to habitable rooms. **FI recommended.**
- *Overshadowing* – impact on adjoining properties is as per extant permission and proposed height/ impact is acceptable on that basis.
- *Car Parking* – proposal requires a max. of 27 no. spaces as per Table 13.11 standards with reduction in provision permissible under Section 13.16.11. Proposal to provide for zero car parking on basis of submitted Mobility Management Plan is not acceptable. **FI recommended.**
- *Cycle Parking* – proposal requires 38 no. cycle spaces as per Table 13.12 standards. PA not satisfied basement cycle storage sufficient. **FI recommended.**
- *Flood Risk* – PA satisfied that site is not located in a flood risk zone.
- *Water Services* – Uisce Eireann public water mains & sewer Confirmation of Feasibility (CoF) dates from 2022. Updated CoF is required. **FI recommended.**
- *Surface Water* – proposal to provide sedum roof is compliant with SuDS policy.
- *Part V* – no Part V proposal submitted. **FI recommended.**
- *Archaeology* – note submission from DoHGLGH recommend Archaeological Impact Assessment be prepared and submitted. Matter can be addressed by condition.

- *EIA Screening* – proposal is subthreshold development. No EIAR required.
- *Appropriate Assessment* – 2 no. Natura 2000 sites (Dundalk Bay SAC and Dundalk Bay SPA) within likely zone of impact with other sites found to have no potential for significant effects due to distance and lack of connectivity. Potential for indirect effects on water quality during the construction phase noted at AA screening stage and best practice mitigation measures in the form of SuDS and site-specific Construction Environmental Management Plan etc. considered as part of submitted NIS. However, further information needed in respect to foul water disposal to complete the AA. **FI recommended.**

A request for Further Information (FI) issued on 31/01/2025 in relation to 4 no. items.

The applicant's response to the FI request was received on 01/08/2025 (following the granting of a 3-month time extension) and consisted of a cover letter, revised plans and reports. The response was not determined to be significant and did not require readvertising.

Planner's Report (21/08/2025) – Further Information Stage

Key points of note raised in the report are as follows:

- *FI Item 1:*
 - (i – floor to ceiling heights): PA satisfied that required 2.4m floor-to-ceiling heights on the residential floors achievable in line with Apartment Guidelines.
 - (ii – apartment sizing & layout): no changes were made to internal layout of apartments and argument in FI response that unit sizing is acceptable on basis of compliance with 2025 Apartment Guidelines in not accepted, on basis that it is the 2023 Apartment Guidelines which apply to the proposal. PA's concerns re: quality of apartments not addressed. **Refusal Recommended.**
 - (iii – issues with internal apartment design): no changes made to apartment layout to address PA concerns. **Refusal Recommended.**
 - (iv – basement cycle storage): PA satisfied sufficient basement cycle storage provided for.

- (v – adequacy & functionality of bulky storage): no changes made to design or layout of storage provision in response to PA concerns. Proposal not compliant with Section 3.32 of 2023 Apartment Guidelines. **Refusal Recommended.**
- (vi & vii – inadequate building lifecycle report & mobility management plan): updated reports acceptable to PA and implementation of reports' measures can be addressed by condition.
- (viii – no communal open space): non-provision on site and applicant's reliance on flexibility for urban infill sites under Apartment Guidelines not accepted on basis of substandard scheme design quality. **Refusal Recommended.**
- (ix – inadequate communal waste storage): proposed storage volume is inadequate, and no improvement made to provision. **Refusal Recommended.**
- (x – basis for internal daylight & sunlight analysis modelling): updated report confirming that balconies were accounted for in modelling is acceptable.
- *FI Item 2 (Part V compliance)* – Part V proposal submitted. Can be conditioned.
- *FI Item 3 (Fire Safety)* – whilst Fire Safety concerns have not been addressed, this matter falls under remit of Building Control and can be addressed post decision.
- *FI Item 4 (Water Service Capacity)* – detailed consultations with UE noted and acceptable. Whilst no updated CoF response received, matter can be conditioned.
- *FI Item 5 (Revised Statutory Notices Advisory).*
- *EIA Screening* – FI proposals do not give rise to change in EIA screening determination.
- *AA* - Proposal not likely to have a significant effect on European site(s).

Report concluded by recommending a refusal of permission as detailed in Section 3.1.

3.2.2. Other Technical Reports

Placemaking and Physical Development (10/01/2025 & 13/08/2025) – no objections subject to review by the Fire Authority and conditions regarding surface water attenuation, design and disposal arrangements; repairs to public footpath/ road and boundary wall design & construction; the implementation of a Construction and Demolition Management Plan; liaison re: management of existing on-site services and

construction materials; arrangements for a road opening license; and, no granting of parking permits for future residents.

Environment Section (03/01/2025) – no objections subject to conditions requiring the preparation of a Construction and Demolition Resource Waste Management Plan, demolition to be carried out in compliance with B.S. 6187, set time periods for demolition and construction works, and noise monitoring measures.

Housing Section (16/12/2024 & 06/08/2025) – applicant has not consulted with Housing Department in respect to their Part V proposals.

Fire Service (21/01/2025) – Refusal of Fire Safety Certificate recommended on basis of proposed layout of building which does not comply with Part B of the Building Regulations.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage (13/01/2025) – submission received from Development Application's Unit (DAU) states that proposal is acceptable subject to archaeological conditions in respect to the requirement to carry out an archaeological assessment of, and test trenching on, the development site and the archaeologist submitting a written report with recommendations to PA and DAU.

3.4. **Third Party Observations**

No submissions received.

4.0 **Planning History**

4.1. **Appeal Site**

P.A. Ref. 2460024 [extant permission] – application by Nera Investments Ltd. for a 6-storey over basement mixed-use development comprising: (a) 20 no. apart-hotel units, including 10 no. 1-bed apart-hotel rooms and 10 no. 2-bed apart-hotel rooms, a reception area (34.1 sqm), and linen closets. (b) A ground floor office (112.6 sqm) and a retail unit (85.2 sqm). ii) Provision of internal community space, cycle storage, and bin storage. iii) Provision of foul and surface water drainage. iv) Demolition of the

existing office and retail buildings on the site (368.9 sqm). v) All other associated and ancillary works granted permission on 05/04/2024 subject to 16 no. conditions.

P.A. Ref. 12520113 – application by Ampezzano Ltd. for extension of duration of permission granted under *P.A. Ref. 07520033*, granted permission on 03/12/2012 subject to 3 no. conditions.

P.A. Ref. 07520033 – application by Ampezzano Ltd. for permission for demolition of existing 2 storey retail building and construction of new 5 storey building consisting of retail use on ground floor and first floor and office use on the 3 upper floors, granted permission on 07/11/2007 subject to 29 no. conditions.

4.2. Neighbouring Sites

Site to Immediate East

P.A. Ref. 2460702 – application by Paula Tiernan for a mixed development consisting of demolition of an existing single storey office building; construction of a 6 storey mixed use building, comprising of 2 no. commercial units (retail/office) at ground floor level (Level 0) and 24 no. apartments over 5 storeys above (18 no. 1-beds and 6 no. 2-beds), bin storage, cycle parking, pedestrian & vehicular entrances, car parking, site lighting, foul and surface water drainage and all associated site development works, granted permission on 18/06/2025 subject to 16 no. conditions.

P.A. Ref. 211126 (ABP-314627-22) – application by Paula Tiernan for demolition of an existing single storey office building; construction of a 5 storey mixed use building comprising of 2 no. retail/office units at ground floor level (level 0) and 18 no. apartments over 4 storeys above, 12 no. 1-beds and 6 no. 2-beds, bin storage, cycle parking, pedestrian & vehicular entrances, car parking, site lighting, foul and surface water drainage and all associated site development works, granted permission on appeal subject to 19 no. conditions.

Site to Immediate West

P.A. Ref. 20156 – application by Sean Doherty for change of use from a night club to 5 no. apartments (3 no. 1-beds and 2 no. 2-beds) and all associated site development works to a building which is a Protected Structure (Ref No. D192), granted on 29/01/2021 subject to 9 no. conditions.

4.3. Pre-application Consultation

PAC Ref. PP22/59 (08/09/2022) – advice provided to applicant in respect to site coverage/ plot ratio, layout, design approach, finishes, housing quality, daylight and sunlight, waste storage, archaeology, surface water drainage, communal amenity space, car parking, appropriate assessment and need to consult with Uisce Eireann re: network capacity.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (2025):

- NPO 3c (deliver 30% new housing in existing built-up footprint).
- NPO 6 (regenerate cities, towns and villages).
- NPO 13 (performance-based approach to urban development).

Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) [cited in the GOA but noted these only apply to applications submitted after 9th July 2025 (application submitted on 30/11/2024)].

Climate Action Plan (2024 & 2025) and Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024)

- Dundalk is identified as a Regional Growth Centre. It is a policy and objective of the Guidelines that residential densities in the range of 50 dwellings per hectare, (dph) to 150 dph (net), shall generally be applied in the centres of same.
- Section 3.4.2 of the Guidelines states that it is necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment. New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment.
- Advice is also given on Urban Design and Placemaking, (Chapter 4), and Development Standards for new housing, (Chapter 5).

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLLGH, 2023)

- SPPR1 - Apartment developments may include up to 50% one-bedroom units.
- SPPR3 – Sets out the standards for minimum apartment floor areas (1-bed – 45 sq.m / 2-bed 73 sq.m).
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Section 3.32 - Apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful and planning authorities should encourage the provision of such space in addition to minimum apartment storage requirements.
- Section 3.34 – provides for flexibility on aforementioned storage requirements in the case of urban infill schemes on sites up to 0.25ha in scale.

[Note: The 2023 Apartment Guidelines apply to all applications submitted before the 9th July 2025 (application submitted on 30/11/2024)].

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE, 2022).
The Regulation of Commercial Institutional Investment in Housing Guidelines (DoHLLGH, 2021).

Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Development Management Guidelines for Planning Authorities (2007) – Section 6.7 (Measures to Improve Consistency) and

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – designates Dundalk town as a 'Regional Growth Centre' and as forming part

of the Dublin-Belfast Economic Corridor. RSES facilitated through the objective to prepare the Dundalk Urban Area Plan (RPO 4.19).

5.3. Development Plan

The Louth County Development Plan 2022-2027 (LCDP) applies [note the preparation of the Louth County Development Plan 2027-2033 is currently at Pre-Draft Stage].

I wish to draw the Commission's attention to the fact that the PA issued their decision to refuse on the 25/08/2025 prior to the adoption of LCDP Variation No. 3 which had the effect of changing the numbering of some of the Sections, policy and objectives of the LCDP. Where this applies to policy cited in the refusal reasons, it is highlighted below.

Dundalk/ Core Strategy

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

Policy CS2 – compact growth via 30% of all new homes within existing built-up footprint of settlements, by developing brownfield & regeneration sites.

Section 2.11.2 & Policy CS10 – direct population growth to Regional Growth Centres

Section 2.14.2 - Town Centre Area – The Urban Design Framework Plan published in 2008 will continue to provide the platform for development in the town centre.

Section 2.14.8 – Strategic Settlement Strategy Policy Objectives for Dundalk:

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

Zoning

The site is zoned objective B1 – Town or Village Centre, which seeks ‘To support the development, improvement and expansion of town or village centre activities’.

The site is within Architectural Conservation Area No. 20 – Roden Place.

There are no protected structures within the site but there are several protected structures in the vicinity of the site along Francis Street, Crowe Street and Earl Street (as detailed in Section 1.0 of this report).

The site is located within a Zone of Archaeological Potential, (Map 9.2, Appendix 9).

The site is not located within Flood Zones A or B.

There are no objectives for preservation of views, or objectives for the preservation of any sites or features of geological, historical, scientific or ecological interest on the site.

Housing/ Development Management

Sections 3.11 - higher densities will be encouraged. The recommended minimum density for Dundalk Town Centre is 50 units per hectare (Table 3.2, LCDP).

Section 3.12 – Height, PO HOU17 – support increased building heights in Dundalk.

Sections 13.8.4 (Density and Plot Ratio), 13.8.5 (Site Coverage), 13.8.6 (Building Heights), 13.8.7 (Layout) and Table 13.3 (Recommended Minimum Density and Plot Ratio) – 50uph and plot ratio of 2 (in town/ village centres).

Sections 13.8.10 – Daylight and Sunlight, 13.8.12 (Landscaping), 13.8.14 (Climate Change and Energy Efficiency) and 13.9.9 (Design, Detailing and Material Finishes) and Section 13.8.15 – Public Open Space.

Sections 13.8.27 – Apartments & 13.8.28 – Design Standards for New Apartments – The Design Standards for New Apartments (2023) set out the design criteria for apartment developments. All applications for apartments are required to demonstrate compliance with these Guidelines and the Specific Planning Policy Requirements.

Section 13.8.29 - Design Schedule – applications for mixed-use development incl. apartments shall include a HQA schedule.

PO HOU 21: To require a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated

Design Manual, to ensure the creation of quality, attractive, and well-connected residential areas and neighbourhoods [PO HOU 20 prior to LCDP Variation No. 3].

PO HOU 25: To require the provision of high-quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked [PO HOU 24 prior to LCDP Variation No. 3].

PO HOU 26: All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan [PO HOU 26 prior to LCDP Variation No. 3].

PO HOU 30: To encourage innovation in design that delivers buildings of a high quality that positively contribute to the built environment and local streetscape [PO HOU 28 prior to LCDP Variation No. 3].

Parking/Serviceing

Section 13.8.19 – Bin Storage: Provision shall be made for the storage, segregation and recycling of waste in residential developments. Where communal bin facilities are being provided, they shall be conveniently located, screened, and well ventilated.

Section 13.8.18 and Tables 13.11 & 13.12 – Car and Cycle Parking Standards. Site is in Area 1 (town and settlement centres): 1 space per apt. & 1 space per 50sq.m offices/ 20sq.m retail with reduced provision acceptable in certain circumstances.

Sections 13.16 (Transport), 13.16.11 (Parking Standards that Reflect the Demand and Location), 13.16.12 (Car Parking Standards), 13.16.14 (Traffic and Transport Assessments), 13.16.16 (Cycle Parking).

Sections 10.2.5 (Sustainable Drainage Systems), 13.20.1 (Public Water Supply and Wastewater Collection) and 13.20.4 (Sustainable Drainage Systems' (SuDS))

Section 10.3 (Flood Risk Management), POs IU26-28 (Flood Risk Management for New Development)

POs IU6 (Connect to Public Water Supply), IU11 (Water Conservation), IU15 (Rainwater Harvesting), IU19, IU21 & IU22 (SuDS), IU20 (GDSDS Compliance), IU23 (Separated Drainage), IU24 (Green Roofs).

Conservation

Section 9.6.1 – Architectural Conservation Areas (ACAs). Policy EE80 - To have regard to the Architectural Heritage Protection: Guidelines for Planning Authorities 2011 (DAHLG) and any subsequent guidelines, when assessing applications for shopfronts on protected structures or in Architectural Conservation Areas (ACA's).

PO BHC 31 - To require that all development proposals within or affecting an Architectural Conservation Area preserve or enhance the character and appearance of that area, protect architectural features of special interest and ensure that the design respects the character of the historic architecture in terms of height, scale, layout, and materials. All development proposals shall have regard to the Architectural Conservation Area objectives in Appendix 11, Volume 3 and objectives contained in applicable Character Appraisals where available

Appendices: Appendix 9 - Zones of Archaeological Potential, 13 - Guidelines for Works in Conservation Areas, 14 - A Guide to ACA's in Louth and 15 – Development Management Guidelines for ACA's.

5.4. Dundalk Local Area Plan 2025-2031

This LAP was adopted on 6th March 2025 with the LCDP being varied (Variation No.3) to take account of same in October 2025.

The appeal site comes within the 'Park Street/Francis Street and St. Patrick's Church' character area which forms part of Dundalk's urban core, with opportunities to improve the area's permeability, public realm and sustainability.

The appeal site is not specifically identified as an opportunity site in this LAP.

Policy Objective KDCA 1 - To support and promote the development of the following 'Key Development Areas' in Dundalk: ... v) Park Street-Francis Street-St. Patrick's Church... into successfully socially integrated neighbourhoods which deliver quality, functional housing, public spaces, services, amenities, and employment opportunities as applicable to each area.

6.0 Natural Heritage Designations

The site is not located within or adjoining a European Site.

The following European sites are located within proximity to the site:

European Site	Site Code	Distance
Dundalk Bay SPA	004026	c. 800m
Dundalk Bay SAC	000455	c. 900m
Carlingford Mountain SAC	000453	c. 7km
Carlingford Lough SPA	004078	c. 15km
Stabannan-Braganstown SPA	004091	c. 13km
Carlingford Shore SAC	002306	c. 16km
North-West Irish Sea cSPA	004236	c. 19km

The following proposed Natural Heritage Area is also located in proximity to site:

- Dundalk Bay pNHA (Site Code 000455)
- Drumcah, Toprass and Cortial Loughs pNHA (Site Code 001462).

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 & Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposal and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (15/09/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal (GOA) can be summarised as follows:

General

- Notwithstanding RFI matters being addressed, PA refused permission.
- National policy, regional policy, the development plan and zoning provisions are all supportive of the proposal.
- Proposal is capable of being serviced – Commission referred to Engineering Report submitted at application stage.
- Proposal to provide for 10% units as Part V – build and transfer.
- PA have misinterpreted and/ or misapplied the LCDP and Section 28 guidance.
- PA's decision is not consistent with Development Management Guidelines or case law regarding conflicting decision making in equivalent planning scenarios.

Rebuttal of Refusal Reasoning

I wish to draw the Commission's attention to the fact that the appellant's references to the 'Apartment Guidelines' relate to the 2025 guidelines rather than to the 2023 guidelines which apply to the proposal (as detailed in Section 5.1 of this report).

Refusal Reason No. 1

- Density of proposal is same as extant permission and not a sound basis to refuse.
- Proposed layout is compliant with Apartment Guidelines & LCDP Section 13.8.28.
- No policy basis for PA qualitative concerns re: awkward layout configurations.
- LCDP PO HOU20 and Section 13.8.27 do not prescribe design standards.
- SPPRs of Apartment Guidelines take precedence over development plan.

Refusal Reason No. 2

- No policy basis for this refusal reason – case law referred to.
- Internal layout & configuration is informed by site dimensions.

- Apartment Guidelines allow for practical & flexible application of requirements.
- Submitted daylight assessment illustrates compliance with BRE guidelines.
- Proposal complies with PO HOU28 which relates to built environment/ streetscape.
- Proposed form, façade, layout and design are all consistent with extant permission.

Reason No. 3

- No requirement for bulky storage provision under Apartment Guidelines – which provide design flexibility in case of urban infill schemes of sites below 0.25ha.
- Bulky storage was not provided for as part of residential developments recently permitted in Bellfield, Dawson’s Demense, Lisdoo and Ardee Bakery.
- Bulky storage is provided for at basement level as proposed. This facility, will be operated by the Management Company and can be used by apartment residents as needed.

Reason No. 4

- Given small size, infill nature and location of site, (greater) design flexibility allowed for under Apartment Guidelines (when compared to 2023 guidelines) applies to the proposed scheme.
- Relaxation in requirement for communal open space is appropriate on this site.
- No requirement under Apartment Guidelines for public open space to be provided.
- Provision of public open space on this town centre site is not practical or necessary.
- No requirement for communal or public open space in adjoining scheme to east granted under P.A. Ref. 24/60702 (directly relevant precedent).
- Without prejudice to the foregoing, appellant proposes to provide a communal room & balcony for residents at first floor level (88.6sq.m). As per appeal scheme.

Refusal Reason No. 5

- Proposed bin storage area is adequately sized and located – appellant seeks to refer Commission to Operational Waste Management Plan and basement floor plan drawing submitted with GOA.
- No basis for refusal on grounds of insufficient bin volume and layout.
- PA concerns re: travel distance to bin storage areas is unsubstantiated and not consistent with approach taken on recent permissions in Bellfield, Lisdoo etc.

Alternative Scheme

The GOA are accompanied by an alternative design proposal (hereinafter referred to as the 'appeal scheme') which proposes the following design changes to the application scheme which was refused:

- Omission of 1 no. 2-bed apartment at first floor level and its replacement with a communal room and balcony for residents.
- Reduction in proposed apartment numbers to 19 no. (10 no. 1-beds and 9 no. 2-beds).

The appellant seeks that the Commission assess the appeal scheme de novo and base their decision on same.

They also consider the proposed changes to constitute minor design amendments which do not require circulation to appeal parties.

Enclosures

The following documentation is enclosed with the appeal:

Reports	Drawings
Operational Waste Management Plan.	Basement Floor Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Fourth Floor Plan, Fifth Floor Plan.

9.2. Planning Authority Response

None received.

9.3. Observations

None received.

9.4. Further Responses

None received.

10.0 Assessment

As part of the grounds of appeal, the appellant has submitted revised plans and particulars (which I will refer to as the 'appeal scheme') in an attempt to address the PA's reasons for refusing planning permission for the 'application scheme' as originally lodged. The appellant seeks that the Commission base their decision on the appeal scheme only.

The amendments put forward under the GOA are detailed in Section 9.1 of this report and, in short, involve the omission of one 2-bed apartment in favour of the provision of a communal room & balcony (c. 88.6sq.m) for the use of residents – all at first floor level.

Given that the appeal scheme provides for changes to the internal layout only and for a reduction in the overall number of apartments, I do not consider the changes proposed to be material or in need of being circulated to the parties to the appeal.

I consider the application scheme as originally lodged in the first instance, assessing the amended appeal scheme only where I consider it to be warranted on the basis of issues arising from my assessment of the application scheme.

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

- Planning History and Principle of Development
- Design Quality
- Other Matters

10.1. Planning History and Principle of Development

10.1.1. Government policy is to encourage consolidation and compact growth in order to make efficient use of zoned and serviced land, with RPO 4.19 of the RSES 2019-2031 encouraging targeted compact growth of Dundalk town through the renewal and regeneration of underused, vacant and/or derelict town centre lands for residential and

commercial development. This objective is further supported by LCDP Sections 2.11.2 and 2.14.8 and POs SS21, SS22 & SS24 and PO KDCA 1 of the Dundalk LAP.

- 10.1.2. I draw the Commission's attention to the planning history of the appeal site (detailed in Section 4.1 of this report) which includes an extant permission under P.A. Ref. 24/60024 for the demolition of all buildings on site and the construction of a 6-storey over basement mixed-use development comprising 20 no. short stay apart-hotel units, a ground floor office (112.6 sq.m) and a retail unit (85.2 sq.m).
- 10.1.3. I would have some concerns about the 6-storey height of the scheme relative to the height of surrounding properties, such as the 2-storey mixed-use property to its immediate west and the adjoining 6-storey scheme recently permitted in June 2025 under P.A. Ref. 2460702, which features a top storey which is setback to a greater extent. However, I note that the extant permission on this appeal site has already established the acceptability of providing for a 6-storey over basement building on the site which is located in an ACA and Zone of Archaeological Interest and proximate to a number of Protected Structures.
- 10.1.4. The extant permission also establishes the principle of providing for no car parking on account of the site's well serviced town centre location and the acceptability of servicing via connections to the public potable water and foul water networks. I note that the site coverage, plot ratio, form of development and parking & servicing strategy proposed under the current scheme are consistent with that permitted under the extant scheme. I also consider that the contemporary design/ materiality and external visual character of current proposal is acceptable on the basis that it is unchanged from that permitted under the extant permission.
- 10.1.5. In comparing the permitted and proposed schemes, I note that the only material change is to the nature of the proposed use (in the main) and to the internal layout and configuration of the building. This is the crux of the appeal before the Commission.

Density

- 10.1.6. In terms of development plan policy on density, Sections 3.11 & 3.12, Policy SS21 and PO HOU17 support sustainable high-density development and increased building heights in centrally located areas along public transport corridors such as Dundalk town centre, with Tables 3.2 and 3.3 providing 50uph as the recommended minimum density for Dundalk town centre.

- 10.1.7. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) state that a density range of 50 uph – 150 uph shall generally apply in regional growth centres such as Dundalk, with Figure 3.1 of the guidelines providing 200uph+ as the typical density of medium to high rise apartments.
- 10.1.8. I note that the proposal for 20 no. units on this town centre site of 0.041ha would give rise to a density of c. 488uph. In terms of unit numbers, whilst this exceeds the c. 250uph density permitted on the adjoining site to the east under P.A. Ref. 2460702 it is consistent with the unit density that was permitted by the extant scheme on the site under P.A. Ref. 2460024.
- 10.1.9. On balance, having considered the policy guidance provided by the 2024 Compact Settlement Guidelines, the density figure given in the development plan which is a minimum density recommendation for Dundalk and the fact that the proposed plot ratio and external character of the building is unchanged from the extant permission, I consider that the proposed density is acceptable in principle in this specific instance subject to the proposal's overall compliance with applicable residential accommodation standards. I address this matter in Section 10.2 of this report.

Zoning

- 10.1.10. The appeal site is zoned 'B1 – Town or Village Centre'. The purpose of this zoning is 'To support the development, improvement and expansion of town or village centre activities'. 'Residential', 'Shop' and 'Office' are all use classes which are 'generally permitted uses' under the 'B1' zoning and, on this basis, I am satisfied that the proposal is acceptable in principle subject to the detailed considerations below.
- 10.1.11. I consider matters relating to the internal layout of the building further in subsequent sections of this report.

10.2. Design Quality

- 10.2.1. The PA's 5 no. refusal reasons originate from design quality concerns in respect to the building's internal layout, the provision of supporting accommodation and services and the layout/ arrangement of the proposed apartments themselves.

Apartment Unit Layout

- 10.2.2. The PA's first and second refusal reasons relate to concerns regarding the internal design and layout of the proposed apartments and their inadequate, substandard quality, with the PA specifically highlighting staggered walls and overlapping circulation areas in addition to unspecified design inefficiencies and awkward room configurations which they consider would undermine the apartments' future useability.
- 10.2.3. The PA also state the proposal fails to meet the policy requirement for high quality and well-designed apartments set by LCDP POs HOU20 and HOU28 and Sections 13.8.27 (Apartments – principle of development, mix and location) and 13.8.19 (Bin Storage). As per the impact of LCDP Variation No. 3 discussed in paragraph 10.2.25, the numbering of these POs was updated in the period since the PA's decision and are now PO HOU21 (which requires a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated Design Manual) and PO HOU30 (which encourages innovation in design that delivers buildings of a high quality that positively contribute to the built environment and local streetscape).
- 10.2.4. As detailed in Section 10.1 of this report, it is not the building's external design or contribution to the local streetscape or built environment that is at issue nor its compliance with the Compact Settlement Guidelines. It is its compliance with the quantitative and qualitative standards set out under the Apartment Guidelines which is at the centre of this appeal.
- 10.2.5. The appellant is of the view that the proposed layout is compliant with the LCDP and with the Apartment Guidelines (which provide for flexibility in respect of urban infill schemes) and that, as the form, overall design and density of the proposed scheme is equivalent to that of the extant scheme, there is no sound policy basis on which to refuse permission.
- 10.2.6. The acceptability in principle of an apartment development at this location is dealt with in the preceding Section 10.1. Section 13.8.28 (Design Standards for New Apartments) of the LCDP states that "*The Design Standards for New Apartments (2023) set out the design criteria for apartment developments. All applications for apartments are required to demonstrate compliance with these Guidelines and the Specific Planning Policy Requirements*", with the unit floorspace, storage and private

open space requirements set out in Table 13.15 (Standards for Apartments) of the development plan equating to those set out under Appendix 1 of the 2023 guidelines.

- 10.2.7. A total of 20 no. apartments is proposed comprising of 10 no. 1-bed units and 10. No. 2-bed units. This unit mix is compliant with the guidelines' SPPR1 which allows housing developments to include up to 50% 1-bed units.
- 10.2.8. I draw the Commission's attention to the fact that the same four no. apartment layouts/ arrangements are replicated on each of the 4 no. upper floors (first to fourth) but not at fifth floor level.
- 10.2.9. I have considered the design and layout of the proposed apartments against the apartment design standards of the 2023 Apartment Guidelines outlined in the table below, with the HQA submitted in compliance with Section 13.8.29 (Design Schedule) of the LCDP assisting in this regard.

2023 Apartment Guidelines – Qualitative Requirements			
	1-bed apartments	2-bed 3-person apartments	2-bed 4-person apartments
<i>Apartment Floor Area</i>	45sq.m	63sq.m	73sq.m
<i>Min. aggregate living/dining/kitchen rooms floor area & width</i>	23sq.m / 3.3m	28sq.m / 3.6m	30sq.m / 3.6m
<i>Minimum single bedroom floor areas/width</i>	n/a	7.1sq.m / 2.1 sq.m	n/a
<i>Minimum double bedroom floor areas/width</i>	11.4sq.m / 2.8m	11.4sq.m / 2.8m	11.4sq.m / 2.8m
<i>Min. aggregate bedroom floor areas</i>	11.4sq.m	20.1sq.m	24.4sq.m
<i>Min. storage space</i>	3sq.m	5sq.m	6sq.m
<i>Min. private amenity space</i>	5sq.m	6sq.m	7sq.m
<i>Min. communal amenity space</i>	5sq.m	6sq.m	7sq.m

- 10.2.10. Having examined the HQA and floor plans for each of the proposed apartments, I note that the 1-beds and 4-person 2-beds each meet and exceed the min. 45sq.m/ 73sq.m apartment floor area requirements (as per SPPR3). In respect to the 2 no. 2-bed 3-person apartments proposed, which are required to have a min. floor area of 63sq.m, I note that these are only permitted by the guidelines in limited circumstances so as not to displace 2-bed 4-person apartments, with Section 3.7 specifying that “*no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three person apartment*”. Given 20 no. units are proposed, I am satisfied that the proposal is compliant with the guidelines in this regard.
- 10.2.11. 15 no. or the majority of the proposed apartments are of a size which is at least 10% greater than their respective min. floor area standard as required by Section 3.8 of the Guidelines which seeks to safeguard higher standards – notwithstanding that this is an urban infill scheme.
- 10.2.12. The floorplans also illustrate that the gross floor area of each apartment meets the guidelines’ minimum floor areas and minimum aggregate areas in respect to bedroom and living/dining/kitchen room design. The requirement to provide for a minimum of 3sq.m, 5sq.m or 6sq.m of storage space is met within each apartment (separate to bedroom floorspace and standard bedroom furniture), with the requirement for a minimum of 5sq.m, 6sq.m or 7sq.m private amenity space also being met in all instances with all apartment balconies being at least 1.5m in width, directly adjoining living spaces and having a favourable orientation overlooking Francis Street.
- 10.2.13. I note that all of the proposed apartments are single aspect. The guidelines state that “*Where single aspect apartments are provided, the number of south facing units should be maximised...Living spaces in apartments should provide for direct sunlight for some part of the day*” and provide for a relaxation on the requirement for a min. of 33% dual aspect units in central/ accessible urban locations (SPPR4) in respect to urban infill schemes on sites up to 0.25ha. The floor plans illustrate that each of the apartments have a favourable southerly aspect with all primary living spaces also oriented south to overlook the adjoining public realm at Francis Street. Cross ventilation by way of a rear full height void is provided to 2-bed unit no’s 4, 8, 12, 16 and 20. I note that this

void also acts as a lightwell to daylight bedroom no. 2 in each of these units. In light of the foregoing, and the small scale (0.041ha) of the site, I consider the provision of single aspect south-facing apartments to be acceptable in this specific instance.

- 10.2.14. I also note the results of the sunlight and daylight analysis undertaken on the proposal which determined that daylighting to internal living spaces is fully compliant with BS EN 17037:2018 (Daylight in Buildings) and would provide for a good standard of residential amenity in this regard.
- 10.2.15. In light of the foregoing considerations, I do not agree with the PA's concerns (expressed in their refusal reasons 1 and 2) regarding internal layout or suboptimal design quality and I am satisfied that each of the proposed 1-bed and 2-bed apartments meet the minimum qualitative standards specified in Appendix 1 of the 2023 Apartment Guidelines, in some cases exceeding them, and on this basis I am satisfied as to the quality of the residential accommodation provided.

Communal Amenity Space

- 10.2.16. The application scheme did not provide for communal open space and did not justify its omission with permission being refused by the PA on this basis with reason No. 4 citing non-compliance with LCDP Section 13.8.15 and PO HOU24 (now renumbered to PO HOU 25) - both of which relate to the requirement to provide public open space as part of residential developments.
- 10.2.17. The appellant states that a relaxation in requirement for communal open space is appropriate on this site and draws the Commission's attention to Section 4.12 of the guidelines which states that "*for urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality*". I note that such flexibility is provided for under the 2023 Apartment Guidelines. They further argue that no communal (or public) open space was provided for on the adjoining site which was granted a residential permission (i.e. under P.A. Ref 2460702) and that the provision of public open space on this town centre site is neither practical nor necessary.
- 10.2.18. Refusal reason no. 4 appears to conflate public open space with communal amenity space notwithstanding the fact that the non-provision of public open space on site was not raised as an issue in the PA reports.

- 10.2.19. Section 13.8.15 of the development plan states that public open space provision in the range of 10-15% of the net site area shall be provided in the case of residential schemes with flexibility, on an individual basis, for the PA to reduce or set aside the quantum in the case of constrained urban infill sites such as that subject of this appeal. I consider that the provision of public open space would not be appropriate on account of the scale of the development, the size and positioning of the site and its nature as a brownfield, infill site in a town centre which would not lend itself to providing any meaningful open space at ground level.
- 10.2.20. The LCDP has no specific policy requirement relating to the provision of communal amenity space, with the only reference to same being under the aforementioned Section 13.8.28 (Design Standards for New Apartments) which requires all applications for apartments to comply with the 2023 Apartment Guidelines.
- 10.2.21. Appendix 1 of the 2023 Apartment Guidelines requires that a minimum communal amenity space of 5sq.m be provided in respect of 1-bed apartments with 6sq.m required for 3-person 2-bed apartments and 7sq.m required for 4-person 2-bed apartments – giving rise to a total requirement for c. 118sq.m. Provision is also made in the guidelines that, in the case of urban infill schemes on sites of up to 0.25ha, the requirement to provide for communal amenity space “*may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality*” (Section 4.12 refers). Having regard to my earlier analysis of the proposal against the 2023 guidelines’ apartment design standards and the conclusion that the residential accommodation provided for is of good quality and designed in accordance with the development standards set out in the Apartment Guidelines and in Chapter 13 of the LCDP, in addition to my consideration of the site as relatively spatially constrained as per paragraph 10.2.19, I am satisfied that a relaxation on the requirement to provide for communal amenity space could reasonably be applied in this instance.

Alternative Appeal Scheme

- 10.2.22. The appeal scheme submitted proposes the omission of 1 no. 2-bed apartment at first floor level and its replacement with an 81sq.m communal room and balcony for residents. No justification is put forward for the relative sizing of the communal room, but I note it would occupy the c. 83sq.m footprint of the omitted unit (no. 1).

10.2.23. Notwithstanding, having regard to the preceding conclusion that a relaxation on the requirement to provide for communal amenity space could reasonably be applied to the application scheme and the fact that refusal reason no. 4 has been overcome on this basis, it is my view that there is no requirement to further consider the communal amenity space proposed as part of the GOA.

Bulky Storage (RR4)

10.2.24. The PA's refusal reason no. 3 concerned the inadequate provision of storage for bulky household items within the scheme and cited Section 3.32 of the LCDP and PO HOU25. I note that there is no corresponding section 3.32 in the development plan and I consider that this reference instead relates to the 2023 Apartment Guidelines.

10.2.25. PO HOU25 concerns the provision of high quality areas of public open space in new residential developments and does not relate to communal storage for bulky items. The policy objective cited in the refusal reason actually relates to PO HOU 26 with the discrepancy likely explained by the fact that the PA issued their decision to refuse on the 25/08/2025 prior to the adoption of LCDP Variation No. 3 which changed the PO numbering of the plan.

10.2.26. Whilst Section 13.8.29 (Design Schedule) of the development plan refers to the requirement to provide information on 'internal and external storage space', the plan does not specify minimum overall/ per unit quantitative requirements in respect to storage space which is provided external to the residential unit. I have previously addressed the matter of internal storage in paragraph 10.2.12 of this report where I concluded that it complied with residential standards.

10.2.27. As detailed previously, Section 13.8.28 (Design Standards for New Apartments) of the plan requires compliance with the 2023 Apartment Guidelines. The guidelines do not set out any minimum quantitative requirements in respect to bulky storage with Sections 3.32 and 3.33 providing that "*apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful and planning authorities should encourage the provision of such space in addition to minimum apartment storage requirements.*" The reference to 'should' rather than 'shall' in this policy guidance indicates that this is not a mandatory requirement. In this regard I note

that the scheme's bulky storage (which would equate to c. 2sq.m of additional storage per residential unit) is not proposed to compensate for a shortfall in internal storage and will be provided in addition to same.

- 10.2.28. The basement plan illustrates the location of the c. 39.1sq.m bulky goods store to the rear of the building and it is clear that it is separate to the bike storage area (c. 42.6sq.m) – with both storage areas being accessible to residents by lift and stairs.
- 10.2.29. The basement plan submitted with the GOA proposes no material change to the quantum of bulk goods storage but does provide for additional annotations which clarify the proposed internal layout of same and show how it would be divided up for the use of individual apartments.
- 10.2.30. Having regard to the fact that neither the LCDP nor the 2023 Apartment Guidelines provide for a quantitative standard in respect to the provision of bulky storage and to the fact that the c. 39.1sq.m of this external storage is to be provided in addition to the internal storage within the apartments (which meets the guidelines' quantitative and qualitative requirements), it is my view that there is no basis to support a refusal on the grounds of the scheme's bulky storage arrangements.

Waste Storage (RR3)

- 10.2.31. The PA's fifth reason for refusal related to the applicant's bin storage being inadequate to support a 3-bin system for the 20 no. apartment units and 2 no. commercial units.
- 10.2.32. LCDP Section 13.8.19 (Bin Storage) states that provision shall be made for the storage, segregation and recycling of waste in residential developments, with communal bin facilities required to be conveniently located, screened, and well ventilated. Similarly, Sections 4.8 - 4.9 of the 2023 Apartment Guidelines provide that provision shall be made for the storage and collection of waste materials in apartment schemes (via the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste), with such facilities to be accessible to each apartment stair/ lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required.
- 10.2.33. The basement plan indicates a c. 19.5sq.m bin store located to the rear of the building which is accessible via a service lift leading onto the adjoining alleyway and also via a

separate lift and stairs which give access to the upper storeys of commercial and residential accommodation.

- 10.2.34. The appellant is of the opinion that the proposed bin storage area is adequately sized, laid out and located and they refer the Commission to an Operational Waste Management Plan (OWMP) submitted with their GOA. Sections 5 and 6 of this OWMP outline the waste generation potential of the development (based on GOA proposal for 19 no. apartments, 2 no. commercial units and EPA assumption that 60% of waste storage required for dry mixed recyclables, 30% for municipal waste and 10% for organic/ brown waste).
- 10.2.35. I note that the basement plan submitted with the GOA, whilst making no changes to the nature or extent of the proposed bin store, does provide for additional annotations to clarify the location, volume and purpose of the proposed bins with 1 no. 240L organic brown bin, 1 no. 240L glass black bin, 2 no. 360L municipal waste bins and 2 no. 1100L recycling bins being provided for. Whilst some of the bin labelling does not appear to correlate with the contents of the OWMP (where, for example, 2 no. DMR 1100L bins are shown on plan where the OWMP provides that only one is required together with another 1100L municipal waste bin), I am satisfied that the overall waste capacity provided for at basement level generally accords with the estimated waste generation potential of the proposed scheme as outlined in Tables 4 and 5 of the OWMP.
- 10.2.36. On the basis of the foregoing considerations, I am satisfied that the information submitted with the GOA has sufficiently clarified matters and that this refusal reason has been overcome.

10.3. **Other Matters**

Precedent/ Consistency in Decision Making

- 10.3.1. The appellant has raised concerns regarding perceived inconsistencies in the PA's decision making and seeks to draw the Commission's attention to what they consider to be relevant planning precedents.
- 10.3.2. I note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. In the case of this appeal, the crux of the matter is the quality and acceptability of the proposed residential layout and whether or not it is consistent with

applicable qualitative standards – matters which I have assessed and concluded upon in the preceding sections of this assessment.

Water and Wastewater Servicing

- 10.3.3. The GOA contend that the proposal is capable of being serviced via public networks.
- 10.3.4. The servicing of the scheme by public water mains and foul drainage network was addressed at application and FI stages, with the Confirmation of Feasibility (CoF) from Uisce Eireann (UE) on file confirming that the proposed water and wastewater connections are feasible without requiring infrastructure upgrade. Notwithstanding, I note that this CoF is dated 14/11/2022.
- 10.3.5. The UE Water Supply and Wastewater Treatment Capacity Registers for Louth state that there is water supply capacity available in the Cavanhill & North Louth Water Resource Zone which serves Dundalk with spare foul water capacity also available in the Dundalk WWTP (EPA Reg No. D0053). In light of the foregoing, I consider that there is sufficient evidence before me in respect to demonstrate the availability of adequate water supply and wastewater system capacity.
- 10.3.6. On the basis of their being adequate capacity in the public system coupled with the fact that the proposal would give rise to no additional loading on the basis of its replacement of the extant development as permitted, I consider that the matter of the feasibility of connecting to the UE network is capable of being addressed by condition where the Commission are minded to grant permission.

Part V

- 10.3.7. I note the reports on file from the PA's Housing Section which state that the applicant has not consulted with Housing Department in respect to their Part V proposals and the RFI correspondence illustrating that the applicant did consult with the Housing Section on the Part V proposals in May 2025.
- 10.3.8. The GOA clarify that it is the applicant's proposal to build and transfer 10% of the proposed apartment units as Part V.
- 10.3.9. I am satisfied that the means of compliance with Part V obligations is capable of being addressed by standard condition and I do not consider that this matter would preclude the Commission from granting permission for the proposal where they minded to do so.

Archaeology

10.3.10. I note the submission on file from the DoHLGH which recommends that an Archaeological Impact Assessment be prepared and submitted. I am satisfied that this matter can be addressed by condition as per the extant permission under P.A. Ref. 2460024 and the permissions granted on the adjoining site to the east under P.A. Refs. 2460702 and P.A. Ref. 211126 (ABP-314627-22) which also fall within the same Zone of Archaeological Potential.

Fire Safety/ Building Control

10.3.11. I note the concerns raised by the PA's Fire Officer in respect to the building's layout not complying with the Building Regulations. No detail is provided in respect to the exact nature of this non-compliance. The Development Management Guidelines (2007) state that fire safety considerations, which are covered and governed by a separate statutory code, can only be considered where they are relevant to the proper planning and sustainable development of the area. In this regard, given that the proposal has been determined to be in compliance with the LCDP and the 2023 Apartment Guidelines, I do not consider that the Building Control matters raised constitute grounds to refuse planning permission in this case.

Construction Management

10.3.12. It is proposed to prepare a Construction Environmental Management Plan (CEMP) with this also being a mitigation measure cited in the submitted NIS. I note that the PA's Placemaking & Physical Development and Environment Sections raised no objections to the proposal subject the conditions requiring, inter alia, the preparation of a Construction and Demolition Resource Waste Management Plan and/or Construction and Demolition Management Plan. Given the scale of the demolition and development proposed together with the sensitive town centre location of the subject site, I consider the preparation of such a plan to be warranted, and I recommend the attachment of a condition requiring the preparation and submission of these plans where the Commission are minded to grant permission.

11.0 Appropriate Assessment

11.1. Stage 1 – Screening Determination for Appropriate Assessment

Finding of likely significant effects

- 11.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455) in view of the conservation objectives of a number of qualifying interest features of those sites.
- 11.1.2. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

11.2. Stage 2 – Appropriate Assessment Conclusion: Integrity Test

- 11.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.
- 11.2.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 11.2.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
 - The proposed development will not affect the attainment of conservation objectives for Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455) or prevent or delay the restoration of favourable conservation condition for the QIs of same.

- Effectiveness of mitigation measures proposed in NIS and adoption of measures in Construction Environmental Management Plan.
- Application of planning conditions to ensure implementation of mitigation measures contained in the NIS and requiring the preparation of a Resource Waste Management Plan, for proposed drainage arrangements to be agreed with the planning authority and for a connection agreement with Uisce Eireann in respect to foul drainage emissions to be entered into prior to the commencement of development.

12.0 Recommendation

12.1. I recommend a GRANT of permission subject to the following conditions.

13.0 Reasons and Considerations

Having regard to the location of the site on lands zoned ‘B1 – Town or Village Centre’, to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027, to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023), to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024), to the nature of the vacant, infill site in the town centre, to the pattern of development in the area, to the extant permission granted in respect of the site under P.A. Ref. 24/60024 and to available infrastructural capacity, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development at this location, would provide for an acceptable standard of future residential amenity and would not seriously injure the amenities of adjoining properties, would not give rise to significant impacts on Roden Place ACA or on the character and setting of adjacent Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 1st August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>During the construction and operational stages of the proposed development the mitigation measures as contained in the Natura Impact Statement (Section 3.3) and related documentation, shall be implemented in full to protect the receiving environment.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to protect the character and setting of the Roden Place Architectural Conservation Area.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
6.	<p>A finalised plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste (in particular mixed dry recyclables, organic waste and residual waste) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in</p>

	particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity
7.	The applicant shall implement the measures provided in Sections 5 & 6 of the Transport Mobility Management Plan (April 2025) undertaken for the development and received by the planning authority on 01/08/2025. Reason: In the interest of sustainable transportation.
8.	(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by the Department. (b) The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the Department. The trenching should be carried out prior to any construction works and after the demolition of any existing building. (c) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the Planning Authority and to the Department. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
9.	A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.
10.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The

	<p>RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
11.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer at the developer's expense on a daily basis.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
12.	<p>The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.</p> <p>Reason: To provide for the future maintenance of this [private] development in the interest of residential amenity and orderly development.</p>
13.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter, all signs and apartment numbers shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
14.	<p>All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.</p> <p>Reason: In the interest of visual amenity.</p>
15.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior without a prior grant of planning permission.</p>

	<p>Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity having regard to the location in an Architectural Conservation Area and proximate to a number of Protected Structures.</p>
16.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
17.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development</p> <p>Reason: In the interests of visual and residential amenity.</p>
18.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and</p>

	Development Act 2000, as amended, and of the housing strategy in the development plan for the area.
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Emma Gosnell
 Planning Inspector
 13th March 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-323663-25
Proposed Development Summary	Permission for proposed development to consist of a six-storey over basement mixed-use development and all site works.
Development Address	Lands at 23 and 24 Francis Street, 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)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

<input checked="" type="checkbox"/> 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 Infrastructure (b)(iv) – urban development – 10 hectares in the case of other parts of a built-up area. Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units.
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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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323663-25
Proposed Development Summary	Permission for proposed development to consist of a six-storey over basement mixed-use development and all site works.
Development Address	Lands at 23 and 24 Francis Street, 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 (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal is for a mixed-use development and associated site works on a site of c. 0.041ha. Demolition works are proposed. The development is significantly below the class thresholds of 10 hectares in the case of other built-up area and 500 dwelling units. The proposed development is for a mixed use commercial and apartment development on an infill site and would form part of an existing mixed use town centre streetscape. The proposed development would be of a commensurate scale to the existing pattern of development at this town centre location. The project, due to its size and nature, would not give rise to significant use of resources or production of waste during either the construction and operation phases. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.

<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located in the town centre of Dundalk, Co. Louth and forms part of a larger 'B1 – Town or Village Centre' zoned landbank at this location.</p> <p>The site is within a designated ACA and there are a number of Protected Structures in the vicinity of the site. The site is not at risk of flooding.</p> <p>The Castletown River is located c. 100m to the south of the appeal site with this watercourse outfalling to the Castletown Estuary which is located c. 900m to the north west and directly into the Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455). However, it is considered that there is no realistic pathway from the appeal site to these European sites as per Section 10 of the Inspector's Report (AA Screening) on account of the intervening distance involved and lack of hydrological connectivity.</p> <p>The development is generally removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan. The site is located within the Roden Place ACA and within a sensitive historic town centre character area with Protected Structures. No significant impacts on the ACA or the character and setting of Protected Structure are likely.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Due to the relative scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>The main operational impacts would be limited to traffic, noise/vibration, air quality and lighting disturbance from human activity, and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment/design and I am satisfied that this can be assessed without potential for significant environmental effects that would require EIA. There would be no significant cumulative impacts with other projects.</p> <p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required).

Appendix 2

Appropriate Assessment – Stage 1 and Stage 2

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file: ACP-323663-25	
Brief description of project	<p>Normal planning appeal.</p> <p>Permission for proposed development to consist of a six-storey over basement mixed-use development and all site works on lands at 23 and 24 Francis Street, Dundalk, Co. Louth – see Section 2.0 of Inspector’s Report for further details.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site is brownfield – an existing 1-3 storey mixed use building – and set within an urban environment in the town centre of Dundalk.</p> <p>The mixed residential and commercial nature and scale of the proposed development on a site of c. 0.041ha, is not exceptional in the context of the existing environment.</p> <p>Site preparation work and construction works will require demolition of the existing building in addition to site clearance/ excavations etc. It is proposed to prepare a Construction Environmental Management Plan (CEMP).</p> <p>The proposed development will be connected to public potable water and foul drainage networks and there will be an on-site surface water management via a sedum roof that will discharge to the public network – full details in Section 10.3 of Inspector’s Report.</p> <p>The Dundalk Bay SPA (Site Code 004026) and the and Dundalk Bay SAC (Site Code 000455) are located in close physical proximity to the appeal site and have the potential to be impacted:</p> <ul style="list-style-type: none"> • Indirectly by the proposal’s surface water runoff to groundwater and via foul water discharges. <p>There are no watercourses in the immediate vicinity of the site with the nearest being the Castletown River which is located c. 100m to the south of the appeal site. This watercourse outfalls into Castletown Estuary (c. 900m to the north west of the appeal site).</p> <p>However, it is considered that as there is no physical or functional connection between the appeal site and this watercourse, there is therefore no potential for this watercourse to act as a hydrological pathway to the following nearby European sites:</p> <ul style="list-style-type: none"> • Dundalk Bay SPA (Site Code 004026). • Dundalk Bay SAC (Site Code 000455). <p>There is also considered to be no pathway to QI’s of Carlingford Mountain SAC (Site Code 000453) due to its location and the separation distance</p>

	involved. Carlingford Lough SPA (Site Code 004078), Stabannan-Braganstown SPA (Site Code 004091), Carlingford Shore SAC (Site Code 002306) and North-West Irish Sea cSPA (Site Code 004236) are also each excluded due to the nature and scale of the development, separation from the subject development site and the significant intervening dilution effects arising.			
Screening report				
Natura Impact Statement	Yes (Prepared by MKO Planning and Environmental Consultants)			
Relevant Submissions	<p>The applicant's Stage 1 Screening Assessment identifies 2 no. European Sites as coming within the Likely Zone of Impact of the proposed development on the basis of a potential pathway for indirect effects arising from water quality deterioration via surface water/ the percolating of polluting materials through underlying bedrock at construction stage and via public surface water system at operational stage. These sites are Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455).</p> <p>The following SPAs and SACs were determined to be excluded from the Likely Zone of Impact on account of the terrestrial and hydrological separation distances involved: Carlingford Mountain SAC (Site Code 000453), Stabannan-Braganstown SPA (Site Code 004091) and Carlingford Shore SAC (Site Code 002306).</p> <p>The PA raised issues in respect to lack of consideration of foul water emissions as a potential indirect pathway AA at FI stage – see Section 3.2.1 of Inspector's Report.</p> <p>No relevant submissions were received by Prescribed Bodies.</p>			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
The following European sites (as detailed under Step 1 above) are potentially within a zone of influence (Zol) of the proposed development on the basis of their physical proximity and possible hydrological/ ecological connection to the appeal site.				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological Connections²	Consider further in screening³
Dundalk Bay SPA (Site Code 004026)	Great Crested Grebe (Podiceps cristatus) [A005], Greylag Goose (Anser anser) [A043], Light-bellied Brent Goose (Branta	c. 800m to the north	Indirect hydrological connection via surface water and groundwater during construction stage. Indirect hydrological connection via foul and surface water outfall arrangements at operational stage.	Yes

	<p> bernicla hrota) [A046], Shelduck (Tadorna tadorna) [A048], Teal (Anas crecca) [A052], Mallard (Anas platyrhynchos) [A053], Pintail (Anas acuta) [A054], Common Scoter (Melanitta nigra) [A065], Red-breasted Merganser (Mergus serrator) [A069], Oystercatcher (Haematopus ostralegus) [A130], Ringed Plover (Charadrius hiaticula) [A137], Golden Plover (Pluvialis apricaria) [A140], Grey Plover (Pluvialis squatarola) [A141], Lapwing (Vanellus vanellus) [A142], Knot (Calidris canutus) [A143], Dunlin (Calidris alpina) [A149], Black-tailed Godwit (Limosa limosa) [A156], Bar-tailed Godwit (Limosa </p>				
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	<p>lapponica) [A157], Curlew (Numenius arquata) [A160], Redshank (Tringa totanus) [A162], Black-headed Gull (Chroicocephal us ridibundus) [A179], Common Gull (Larus canus) [A182], Herring Gull (Larus argentatus) [A184], Wetland and Waterbirds [A999].</p> <p>NPWS website accessed 10/03/2026</p>			
<p>Dundalk Bay SAC (Site Code 000455)</p>	<p>Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Perennial vegetation of stony banks [1220], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1330], Mediterranean salt meadows (Juncetalia</p>	<p>c. 900m to the north</p>	<p>As above</p>	<p>Yes</p>

	maritimi) [1410]. NPWS website accessed 10/03/2026.			
Carlingford Mountain SAC (Site Code 000453), Carlingford Lough SPA (Site Code 004078), Stabannan-Braganstown SPA (Site Code 004091), Carlingford Shore SAC (Site Code 002306) and North-West Irish Sea cSPA (Site Code 004236) – located within c. 7km to 19km - were identified as potentially being in the Zol of the project. However, having further considered the localised nature and scale of the proposal, the intervening distances between these European sites and the appeal site and, the lack of hydrological or other potential pathways to same, I am satisfied that they can be screened out at this stage.				
¹ summary description / cross reference to NPWS website is acceptable at this stage in the Report. ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species. ³ if no connections: N.				

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

AA Screening matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Dundalk Bay SPA (Site Code 004026) (QIs as detailed in table above)	Direct pathways to SPA & SAC: None	<u>Construction</u> and <u>Operational Phases:</u> - Water quality impacts
Dundalk Bay SAC (Site Code 000455) (QIs as detailed in table above)	Indirect pathways to SPA & SAC: <u>Construction Phase:</u> Surface water run-off: uncontrolled release of silt, sediment, dust and other construction related pollutants/ compounds incl. hydrocarbons and related discharges to groundwater. <u>Operational Phase:</u> - Foul water discharge to public mains. - Surface water discharge to combined public sewer.	
	Likelihood of significant effects from proposed development (alone): Yes	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
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Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site inspection, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455).

Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed mixed use development in view of the relevant conservation objectives of Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by MKO Planning and Environmental Consultants.
- Engineering reports and civils drawings prepared by Joseph Cunningham & Associates Ltd.
- Outline Construction Management Plan prepared by Genesis Planning Consultants.
- Uisce Eireann Confirmation of Feasibility.
- NPWS Data on Protected Sites.
- EPA Data on Water Quality Data.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

No relevant submissions received.

European Sites

**Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455).
Summary of key issues that could give rise to adverse effects (from screening stage):**
(i) Water quality degradation (construction and operation).

Qualifying Interest features likely to	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)

be affected	Targets and attributes (as relevant-summary)		
<p>Dundalk Bay SPA (Site Code 004026) Great Crested Grebe (<i>Podiceps cristatus</i>) [A005], Greylag Goose (<i>Anser anser</i>) [A043], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Shelduck (<i>Tadorna tadorna</i>) [A048], Teal (<i>Anas crecca</i>) [A052], Mallard (<i>Anas platyrhynchos</i>) [A053], Pintail (<i>Anas acuta</i>) [A054], Common Scoter (<i>Melanitta nigra</i>) [A065], Red-breasted Merganser (<i>Mergus serrator</i>) [A069], Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Lapwing (<i>Vanellus vanellus</i>) [A142], Knot (<i>Calidris canutus</i>) [A143],</p>	<p>CO: To restore or maintain the favourable conservation condition of the QIs listed.</p>	<p><u>Water Quality:</u> - surface water run-off - foul drainage - groundwater</p>	<p><u>Water Quality:</u> Given small scale of development which is located in a built-up urban area; relatively small water volumes involved; use of SuDS to manage surface water run-off; proposed connection to UE foul drainage infrastructure that is subject to UE CoF & EPA environmental licensing of Dundalk WWTP (EPA Reg No. D0053); and, use of standard pollution control/construction measures in CEMP and application of same by condition – no adverse effects anticipated.</p>

<p>Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182], Herring Gull (<i>Larus argentatus</i>) [A184], Wetland and Waterbirds [A999].</p> <p>Dundalk Bay SAC (Site Code 000455). Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Perennial vegetation of stony banks [1220], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330], Mediterranean salt meadows</p>			
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(Juncetalia maritimi) [1410].			
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Assessment of issues that could give rise to adverse effects:

(i) Water quality degradation (construction and operation).

(i) Water quality degradation

Water quality degradation is the main risk from unmanaged site works and from foul/ surface water drainage discharges when best practice design is not employed where contaminated surface water reaches the SAC and SPA. Decreased water quality could alter habitat quality and impact on foraging or nesting resources.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and groundwater. This is to be achieved via design (avoidance) and application of specific mitigation measures and assessment & monitoring of same. The mitigation measures relevant to protecting the European Sites are included in the NIS (Section 3.3) and include:

Construction Phase Mitigation

- Preparation of Construction Environmental Management Plan (CEMP).
- Appointment of Construction Manager and Environmental Manager to oversee works.
- Best Practice Construction Management Measures (e.g. dust suppression, fuel and oil control, materials storage, spill management, air quality control, waste management).
- Preparation of Resource Waste Management Plan (RWMP) – by condition.

Operational Phase Mitigation

- Water quality control via SuDs and connection to public combined sewer.
- Connection to public foul sewer & connection agreement with Uisce Eireann.

Mitigation measures related to water quality are also captured in the planning conditions recommended in the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS (Section 4.2) and supplemented by information in Section 4.0 of the Inspector's report). The proposal has been assessed as part of the overall project and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the aforementioned European sites. I

concur with the appellant's assertions, and I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. In light of the foregoing, I am satisfied that adverse effects arising from the proposed development can be excluded on the conservation objectives for Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455).

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the conservation objectives of the Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) or prevent or delay the restoration of favourable conservation condition for the QIs of same.
- Effectiveness of mitigation measures proposed in NIS and adoption of measures in Construction Environmental Management Plan.
- Application of planning conditions to ensure implementation of mitigation measures contained in the NIS and requiring the preparation of a Resource Waste Management Plan, for proposed drainage arrangements to be agreed with the planning authority and for a connection agreement with Uisce Eireann in respect to foul drainage emissions to be entered into prior to the commencement of development.

Inspector: _____

Date: _____

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-323663-25	Townland, address	23 and 24 Francis Street, Dundalk, Co. Louth
Description of project		The proposal comprises of the demolition of all existing buildings on site and the construction of a six-storey over basement mixed-use development and all site works – see Section 2.0 of Inspector’s Report for further details.	
Brief site description, relevant to WFD Screening,		<p>The site is located in the town centre of Dundalk, Co. Louth. The 0.041ha site comprises of a vacant 1-2 storey commercial building and a 3-storey office building which is currently in use by the Unite Trade Union.</p> <hr/> <p>There are no existing watercourses on the site. The nearest watercourse is the Castletown River (EPA Code: IE_NB_06C010310) which is located c. 100m to the south of the appeal site. This river has a Good Ecological Status but is also At Risk. The Castletown River outfalls into Castletown Estuary (c. 900m to the north west of the appeal site) beyond the N52 Coe’s Road. This estuary (EPA Code: IE_NB_040_0200) has a Bad ecological Status and is also At Risk. The appeal site is underlain by the Louth groundwater body (EPA Code IEGBNI_NB_G_019) which has a Good ecological status and is Not At Risk).</p>	
Proposed surface water details		The proposed surface water outfall is to the public combined sewer on Francis Street see Section 10.3 of this report for further details.	

Proposed water supply source & available capacity	The proposed water supply is via a connection to the existing public mains on Francis Street – see Section 10.3 of this report for further details.
Proposed wastewater treatment system & available capacity, other issues	The proposed foul water drainage is via a connection to the existing public mains at Francis Street – see Section 10.3 of this report for further details.
Others?	The site is located in Flood Zone C and is not at flood risk.

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)
Castletown River (river)	c. 100m	CASTLETOW N_030 (EPA Code: IE_NB_06C01 0310)	Good	At Risk	Urban Wastewater, Agriculture, etc.	No direct pathway
Castletown Estuary (transitional)	c. 900m to north	Castletown Estuary (EPA Code: IE_NB_040_0 200)	Bad	At Risk	As above	Surface water run-off, foul drainage, groundwater.
Louth (groundwater body)	Below site	Louth (groundwater body) (Code IEGBNI_NB_G 019)	Good	Not At Risk	As above	Via surface water run-off.

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.	Coastal/ Transitional	Castletown Estuary (EPA Code: IE_NB_040_020 0)	Surface water run-off to groundwater.	Water quality degradation.	CEMP.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	No.
2.	Surface	Castletown River (EPA Code: IE_NB_06C010 310)	None.	n/a	n/a	n/a	No.
3.	Ground	Louth (groundwater body) (Code	Surface water run-off.	Water quality degradation.	CEMP.	No. Having regard to the limited scale of the works and the application of	No.

		IEGBNI_NB_G_019)				mitigation measures, I am satisfied that there would be no significant risk.	
OPERATIONAL PHASE							
1.	Coastal/ Transitional	Castletown Estuary (EPA Code: IE_NB_040_020 0)	Surface water run-off. Foul water emissions.	Water quality degradation.	SuDS, Connection to foul and surface water public mains.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	Screened Out.
2.	Surface	Castletown River (EPA Code: IE_NB_06C010 310)	None.	n/a	n/a	n/a	Screened Out.
3.	Ground	Louth (groundwater body) (Code IEGBNI_NB_G_019)	Surface water run-off.	Water quality degradation.	SuDS, Connection to surface water public mains.	No. As outlined in Section 10.3 of this report, I do not consider there would be a residual risk in terms of the quantity and quality of discharges from site, which could be linked to this waterbody.	Screened Out.
DECOMMISSIONING PHASE							
	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

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> 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:	
N/A	N/A	N/A	N/A	N/A	Yes

Details of Mitigation Required to Comply with WFD Objectives				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> 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/ Site Clearance Works	Site specific construction mitigation methods via CEMP (see NIS).	Site specific construction mitigation methods via CEMP (see NIS).	N/A	Yes
Surface Water Outfall	Standard, best practice SuDS measures & connection to public mains.	Standard, best practice SuDS measures & connection to public mains.	N/A	Yes
Connection to Public Foul Mains	Connection to UE Foul Drainage System which is licensed by EPA.	Connection to UE Foul Drainage System which is licensed by EPA.	N/A	Yes