Inspector's Report
ACP-323834-25

Development	Permission to modify Strategic Housing Development (SHD) ABP-303891-19 comprising two one-bed apartments in lieu of permitted creche
Location	Gullion Park, Inner Relief Road and Dublin Road, Finnabair South, Dundalk, Co. Louth
Planning Authority	Louth County Council (LCC)
Planning Authority Reg. Ref.	25/60321
Applicant	Bluemont Developments (Dundalk) Ltd.
Type of Application	Large-scale Residential Development (LRD)
Planning Authority Decision	Refusal of Permission
Type of Appeal	First Party v Refusal of Permission
Appellant	Bluemont Developments (Dundalk) Ltd.
Observer(s)	None

Date of Site Inspection	5th January 2026
Inspector	Anthony Kelly

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1.0 Site Location and Description

1.1. The subject site is located on the south side of the Inner Relief Road in the southern area of Dundalk, on the opposite side of the road and to the south west of the thirteen storey Gateway Hotel. The Dublin Road runs along the western boundary of the overall site.

1.2. The subject site is located within a building site for an apartment development which is at an advanced stage of construction. The development is known as Gullion Park.

1.3. The site has an area of 0.0392 hectares according to the site location map[1]. The site forms part of the larger development site subject of the parent planning application.

2.0 Proposed Development

2.1. The proposed development comprises the modification of a permitted and under-construction strategic housing development (SHD) involving the provision of two ground floor one-bedroom apartments in lieu of the permitted creche.

3.0 Planning Authority Opinion

3.1. The planning application was accompanied by a letter dated 3rd April 2025 from Louth County Council (LCC). This letter (LCC Ref. LRD019) acknowledged the applicant's request for a determination under section 247 (7) of the Planning & Development Act, 2000 (as amended), in relation to the proposed alterations to the SHD permission. LCC considered that the proposed development was substantially the same as the permitted development and no further consultation was required prior to an application being made[2].

[1] The planning application form cites an area of 0.04 hectares.
[2] The planning application form also cites LRD024 as a pre-application consultation. This is referenced in some detail on page 3 of the first planning authority Planning Report.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. LCC refused permission for one reason as follows.

> *The proposed development, which seeks to omit the permitted childcare facility and replace it with two residential units, is considered to be contrary to the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) and the Louth County Development Plan 2021–2027 (as varied). The application does not adequately justify the application of a 50% discount to the two-bedroom units in calculating childcare demand, nor does it provide sufficient site-specific demographic evidence to support this assumption. Furthermore, the submission fails to demonstrate, through verifiable capacity analysis or consultation with local service providers, that the demand for childcare places can be absorbed within existing facilities in the immediate area. Policy Objective SC 35 of the Development Plan requires that proposals for residential development facilitate the sustainable provision of childcare facilities, having regard to the 2001 Guidelines and in consultation with the Louth County Childcare Committee. In the absence of a robust evidence base, the proposed omission of the childcare facility is not considered to be in accordance with the proper planning and sustainable development of the area.*

4.2. Planning Authority Reports

4.2.1. Two Planning Reports were prepared by LCC, the first on foot of the original planning application and the second subsequent to the response to the further information request.

4.2.2. The initial Planning Report included a site description and a site history, summaries of a pre-planning consultation (Ref. LRD024), planning policy, and reports received, and a planning assessment. It concluded that, although a rationale for the proposed amendment had been provided, the Childcare Needs Demand Assessment (CNDA) submitted as part of the application did not sufficiently address key policy requirements or provide adequate supporting evidence. Further information was sought.

4.2.3. The second Planning Report considered the applicant's response to the further information request but recommended a refusal as per the decision.

Other Technical Reports

4.2.4. **Louth County Childcare Committee (LCCC) –** Further to the further information response, the permitted creche remains a necessary and valuable facility. LCCC continues to support its retention and delivery.

4.3. Prescribed Bodies

4.3.1. None.

4.4. Third Party Submissions

4.4.1. None.

5.0 Planning History

5.1.1. The relevant planning history of the site is as follows.

5.1.2. PA Reg. Ref. 16/803 / ABP Reg. Ref. PL 15.247927 – In 2017, following third party appeals of the decision by LCC to grant permission, the Board issued a split decision on a 5.06 hectares site. Permission was granted for eight buildings for office/research and development/science and technology uses, ranging in height from two to four storeys. Permission was refused for three student accommodation buildings consisting of 88 units containing 300 bedrooms ranging in height from two to four storeys for zoning and core strategy reasons. This permission has expired. Though a ten-year permission was sought, condition 3 of the Board's grant of permission restricted the permission period to five years.

5.1.3. ABP Reg. Ref. ABP-303891-19 – In 2019, the Board granted an SHD application for 142 apartments in five buildings ranging from two to five storeys in height on a 2.16 hectares site, including a 122sqm creche and 122sqm community room. This site is in the area of the previously refused student accommodation blocks. In 2024 LCC granted an extension of duration for ABP-303891-19, as amended by ABP-306503-19 (see following paragraph), until 31st December 2026 under P.A. Reg. Ref. 24/102.

5.1.4. ABP Reg. Ref. ABP-306503-19 – In 2020, the Board permitted alterations to ABP-303891-19 under s146B of the Planning & Development Act, 2000 (as amended), comprising a revised housing mix, increased footprint, and changes to fourth floor level in Building A.

6.0 Policy Context

6.1. Childcare Facilities Guidelines for Planning Authorities (2001)

6.1.1. These Guidelines provide a framework to guide local authorities in preparing development plans and assessing applications for planning permission and developers and childcare providers in formulating development proposals. They are intended to ensure a consistency of approach throughout the country to the treatment of applications for planning permission for childcare facilities.

6.2. Sustainable Urban Housing: Design Standards for New Apartments (2023)

6.2.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

6.2.2. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) have been introduced since the application was submitted. However, as these only apply to applications for planning permission submitted after the issuing of the Guidelines on 9th July 2025 they are not applicable to the consideration of this application, which was received by LCC on 30th May 2025.

6.3. Louth County Development Plan (LCDP) 2021-2027 (as varied)

6.3.1. The site is in an area zoned ‘C1 – Mixed Use’ which has an objective ‘To provide for commercial, business and supporting residential uses’. ‘Residential’ is a ‘generally permitted use’ on this zoning as per subsection 13.21.13.

6.3.2. Section 4.11 (Childcare Facilities) is relevant. Policy objective SC 35 was cited in the reason for refusal. This states.

> 'To support and facilitate the sustainable provision of childcare facilities in appropriate and suitable locations and seek their provision concurrent with new residential development, all having regard to the *Childcare Facilities Guidelines for Planning Authorities (2001)* and *Childcare Regulations (2006)* and any subsequent guidelines, in consultation with the Louth County Childcare Committee. Such facilities will be directed to settlements identified in the Settlement Hierarchy'. [italics not added]

6.3.3. Another relevant policy objective is:

Policy SC 36 – To seek the provision of additional community benefits by way of direct provision or financial contribution in lieu of the provision of childcare facilities where it is demonstrated to the satisfaction of the Council that there are sufficient childcare spaces available in the locality.

6.4. Dundalk Local Area Plan (LAP) 2025-2031

6.4.1. The zoning objective of the site is as per paragraph 6.3.1.

6.4.2. Childcare is set out in subsection 5.19 of the LAP. It states that there are 31 registered childcare facilities in the town and they are well distributed spatially. In March 2023 there were 1,553 children enrolled in childcare facilities and there were only 85 vacancies. 'There is a clear shortfall in the number of childcare spaces for early years'.

6.4.3. A relevant policies in the LAP is.

Policy objective SC 25 – To require the provision of childcare facilities as an integral part of proposals for new residential or mixed-use developments. This requirement shall have regard to the 'Childcare Guidelines for Planning Authorities (2001)' and 'Childcare Regulations (2006)' and shall be in consultation with the Louth Childcare committee.

6.5. Natural Heritage Designations

6.5.1. The nearest area of natural heritage designation is Dundalk Bay proposed natural heritage area (pNHA) approximately 1.35km to the east of the site. The closest

European sites are Dundalk Bay special area of conservation (SAC) and Dundalk Bay special protection area (SPA) approximately 1.5km to the east. All distances are in a direct line.

6.6. Environmental Impact Assessment (EIA) Screening

6.6.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA i.e. it does not comprise construction works, demolition, or intervention in the natural surroundings. The application involves the change of use of part of the ground floor of a permitted and largely constructed apartment building. Refer to appendix 1 of this Inspector's report (IR).

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The main issues raised in the first party grounds of appeal can be summarised as follows:

- The submission provides commentary on the reason for refusal, the LCC Planning Reports, the LCCC submissions, the Development Management Guidelines for Planning Authorities (2007), and issues arising. LCCC has a particular remit, but it is just one stakeholder. LCC is required to balance all planning considerations.
- LCC has repeatedly permitted similar omissions and there is no policy need for a childcare facility in this development.
- Policy documentation facilitates the omission of creches in sub-threshold scenarios. Policy objective SC 35 is a positive enabler in a general sense, rather than a negative barrier in this specific case. The extensive evidence provided has not been given sufficient weighting in the decision making process. The Apartment Guidelines (2025) and Compact Settlement Guidelines (2024) are referenced. The positive planning gain should not be dismissed.
- Precedents referenced in the application and further information response are wholly relevant to the subject application.

- LCC appear to consider that the subject scheme has a responsibility for childcare beyond the scheme itself. The applicant does not agree.
- The applicant does not agree that it should be required, as per the refusal reason, to identify capacity for childcare places elsewhere. Notwithstanding, extensive information was provided which showed that it should be comfortably absorbed within existing facilities in the town. The scheme is demonstrably sub-threshold and the policy response to this is to not provide an on-site childcare facility.
- The level of detail provided in the application is extensive, though LCC consider it to be insufficient. The provision of occupancy data is impossible in an unoccupied scheme. There is no apparent reason level of evidence that would be deemed sufficient by LCC and the burden of proof being applied is unreasonable.
- The refusal is largely based on matters of deference or ideology rather than a policy based approach at odds with a well-established decision-making pattern.

7.2. Planning Authority Response

7.2.1. The LCC response states that all planning matters raised in the appeal were comprehensively addressed in the Planning Reports. LCC is not satisfied that the proposed development accords with the provisions of the LCDP 2021-2027 or the Childcare Facilities Guidelines (2001), or the proper planning and sustainable development of the area. The Commission is requested to uphold the decision to refuse permission.

7.3. Observations

7.3.1. None received from third parties.

7.3.2. In letters dated 25th November 2025 the Commission invited the Development Applications Unit, An Taisce, and The Heritage Council to make a submission or observation to the Commission, in the interest of justice, given the proximity of the subject site to Dundalk Bay SPA. No submissions or observations were received.

8.0 Assessment

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 planning 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:

- Principle of Development
- The Planning Authority Reason for Refusal
- Future Residential Amenity for Occupants
- Part V

8.1. Principle of Development

8.1.1. The site is in an area zoned 'C1 – Mixed Use' in the LCDP 2021-2027 and the Dundalk LAP 2025-2031. The subject site/overall apartment development forms the north west part of a much larger C1 zoned area. The objective on C1 zoned land is 'To provide for commercial, business and supporting residential uses'. 'Residential' development is cited as a 'generally permitted use' under subsection 13.21.13 (C1 Mixed Use) of the LCDP.

8.1.2. As such, I consider that the proposed apartment units would be consistent with the zoning objective of the site and would be acceptable in principle.

8.2. The Planning Authority Reason for Refusal

8.2.1. The planning authority's reason for refusal is set out under subsection 4.1. The reason incorporates inter-related elements.

Background to the LCC decision

8.2.2. The planning application was received by LCC on 30th May 2025. Among the documentation submitted to LCC as part of the planning application were a 'Planning (& Policy Consistency) Statement' (PPCS), a 'Childcare Needs Assessment' (CNA), and an 'Architectural Design Statement' (ADS), all dated May 2025. Subsection 1.1 of the PPCS considered that the permitted creche 'would not be the optimal use of the

space, being somewhat tokenistic in nature and scale'. The Executive Summary of the CNA stated that it was presumed that the wider (then permitted, now lapsed) landbank would also be built out, which is no longer likely in the short-term, undermining the viability of a creche. In addition, the 20 place capacity would most likely not be capable of providing a full range of services.

8.2.3. The two LCCC reports received by LCC advocated for the retention of the permitted creche. Following an assessment the planning authority decided to seek further information on 18th July 2025. A further information response was received on 11th September 2025. The planning authority decided to refuse the application on 3rd October 2025.

Relevant issues and assessment of same

8.2.4. Although the planning application was refused for a single reason there are separate but related elements contained within the reason. I consider that the reason can be assessed under the following subheadings.

The proposed development would be contrary to the Childcare Guidelines (2001) and LCDP 2021-2027 as the application of a 50% discount to the two-bed units is not adequately justified by site-specific demographic evidence

8.2.5. The general requirement for one childcare facility per 75 dwellings arises from the Childcare Guidelines (2001) in which this is cited as a recommended benchmark. Two issues that regard should be had to in considering modifications to this standard are set out in appendix 2 to the Guidelines i.e. the make-up/mix of the residential area and the results of any childcare needs analysis carried out as part of a county childcare strategy, LAP, action area plan, or development plan.

8.2.6. The LCDP 2021-2027 contains two policy objectives relevant to the subject application, SC 35 and SC 36. These are set out in paragraphs 6.3.2 and 6.3.3. Policy objective SC 35, cited in the refusal reason, states the planning authority supports and facilitates the provision of childcare facilities in appropriate locations having regard to the 2001 Guidelines, in consultation with the LCCC. Childcare facilities are also referenced in subsections 13.8.26 (Childcare Facilities in New Residential Developments) and subsection 13.12.1 (Childcare).

8.2.7. Childcare is also addressed within the Dundalk LAP 2025-2031, in particular subsection 5.19.

8.2.8. In addition to the LCDP 2021-2027, I note that the 2001 Guidelines are referenced in the Apartment Guidelines (2023). Paragraph 4.7 states 'Notwithstanding the Planning Guidelines for Childcare Facilities (2001) … the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

8.2.9. The planning application subject of this appeal is for the removal of a permitted childcare facility and its replacement with two one-bed apartments. However, effectively, the matter to be considered is whether or not the overall development of 144 apartments would require a childcare facility to be provided as part of the development. If it is decided that a childcare facility would be required then the application should be refused whereas if it is decided that a childcare facility would not be required then the application can be granted.

8.2.10. The CNA submitted with the application suggests that while demand for childcare may currently be high, with the LAP noting a 95% occupancy in Dundalk, this demand may not be sustained at such levels in the medium term based on projections. Subsection 4.4 of the CNA sets out the rationale as to why the permitted childcare facility would not be required. The revised development would have 50 one-bed, 70 two-bed, and 24 three-bed apartments. It is stated that the parent permission did not provide for a discount of the two-bed units. The applicant considers that 'the two bed provision of 70 no. units should be discounted by 50% to reflect the fact that many two bed units will not cater for family units with children', a discount which has previously been accepted by LCC. 'Assuming no discounting of three bed units, this results in a net scale of 'family' or childcare reckonable housing of 59 no. units, materially below the threshold of 75 no. units'. Proportionally this would require 16 creche spaces, below the minimum size facility of 20 spaces cited in the 2001 Guidelines, as per the CNA.

8.2.11. LCC sought further information on a number of creche-related issues and a detailed response was received which included, for example:

- Consultation did take place with LCCC who would not support the application, broadly on matters of principle.
- The CNA does not rely on childcare capacity data from March 2023. That referenced data in the Dundalk LAP 2025-2031. Other data was cited from a number of official sources including Central Statistics Office (CSO) data published in May 2025.
- Alternative community benefits (policy SC 36) include the permitted community space[3].
- Precedents cited demonstrate the accepted process of refining the 'gross to net' scale of housing schemes to establish the number of childcare generating units.
- Precedents which retained childcare facilities were because the calculated need still rose above the threshold, which is not the case in this application.
- Occupancy of childcare facilities is a constantly moving figure.
- The scale of need arising from the subject scheme is a particularly small proportion (approximately 2.4%) of existing provision in the local area and should be comfortably absorbed.
- Significant childcare infrastructure is and will be available in the environs of the subject site.
- Any suggestion that the scheme should be responsible for servicing the needs of the wider area is rejected.

8.2.12. In LCC's second Planning Report, page 5 states that the response does not sufficiently demonstrate why a 50% discount is appropriate in the context of this specific development and that the application 'lacks site-specific demographic evidence or occupancy data to substantiate the assumption that half of the two-bedroom units will not generate childcare demand'.

[3] An outdoor gym on site was put forward as a possible additional community benefit in relation to policy objective SC 36, as part of the further information response. I consider this to be unrelated to a childcare facility and not necessary given the nature of the application.

8.2.13. Therefore, one of the primary issues in the planning authority's decision is the absence of justification for assuming that half (50%) of the two-bed apartment units on site would not generate childcare demand. Appendix 2 of the Childcare Guidelines (2001) acknowledges that the one facility per 75 dwellings is not a blanket requirement and that modifications to the standard can be considered. One of the issues that should be taken into consideration is the make-up/housing mix. Paragraph 4.7 of the Apartment Guidelines (2023) states that one-bed units 'should not generally be considered to contribute to a requirement for any childcare provision', which would reduce the number of applicable apartment units on site to 94[4]. In addition, the paragraph states the reduction 'may also apply in part or whole, to units with two or more bedrooms'. The applicable percentage of houses that could be discounted is not identified in the Guidelines and therefore it is left for the decision maker to appropriately ascertain on a case-by-case basis.

8.2.14. In my view it is not unreasonable to consider that half of the two-bed units would not contribute to childcare-needs generation. The 50% figure is itself cited in the first modification standard in appendix 2 i.e. 'If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare'. Assuming that 50% of the two-bed units (35 apartments) and every three-bed apartment (24 apartments) would generate a childcare need then this would result in 59 of the 144 apartments contributing towards such a need and this would be substantially below the threshold of 75 units. If a more conservative figure was assumed for the discount, for example one-third (33.3%), the figure would be 70.66 apartments requiring a childcare need, still below the 75 threshold. The one facility per 75 dwellings is a guideline recommendation. It is not a specific planning policy requirement (SPPR) or otherwise a standard that must be met in all circumstances. I consider that a reasonable assessment of the proposed/permitted development results in a development that would not reach the threshold / recommended guideline set out in the Childcare Facilities Guidelines (2001), which is referenced in both the LCDP 2021-2027 and the Dundalk LAP 2025-2031. I therefore consider that the replacement of the permitted creche with two one-

[4] 144 apartment units proposed minus the 50 one-bed apartments (144-50 = 94).

bed apartments, in the context of the circumstances arising in this planning application, is acceptable.

8.2.15. The second element of the initial part of the reason for refusal is the absence of demographic evidence. While the Childcare Facilities Guidelines (2001) and Apartment Guidelines (2023) clearly state that the make-up of a residential area is relevant and that one-bed units can be disregarded as contributing towards childcare provision requirement, both the CNA submitted with the planning application and the further information response contains a reasonable amount of quite broad contemporary supporting data which is subsequent to that set out in the Dundalk LAP 2025-2031. This includes a projected fall in primary school enrolments to 2036 (page 7 of 'Projections of full-time enrolment Primary and Post Primary level 2023-2042' published by the Department of Education), a decline in birth rates (CSO data), and existing and permitted/under construction childcare facilities in the area. The applicant, in the grounds of appeal, considers that the planning authority is seeking an unattainable and disproportionate amount of information, much of which is impossible to provide. Having regard to the foregoing, I am satisfied that the applicant has reasonably provided relevant information, in the context of an unoccupied scheme, that would support the general assumption of applying a 50% discount on two-bed apartments.

8.2.16. Having regard to the foregoing, I consider that the applicant has reasonably demonstrated that the omission of the permitted childcare facility and its replacement with two one-bed apartments would be acceptable in the context of the scale of the proposed apartment development and I consider that the proposed omission would not significantly reduce the residential amenity of the development or that it would be contrary to the proper planning and sustainable development of the area. I do not consider the omission would have a significant adverse impact on the availability of childcare spaces given that it would have a limited capacity and it has not been operational / the space is only under construction.

The submission fails to demonstrate that the demand for childcare places can be absorbed within existing facilities in the immediate area

8.2.17. In my opinion there is no obligation on an applicant to demonstrate that adequate childcare spaces are available in the 'immediate' area should a childcare facility not

be provided as part of an application, if the subject development itself is of a scale that would not require its provision. This was also alluded to in the IR for the parent permission on site (ABP-303891-19)[5]. As such, I do not consider that the applicant is obliged to demonstrate that the 20 childcare spaces that would be lost in the event that the facility is not provided and operated can be provided elsewhere in the vicinity.

Policy objective SC 35

8.2.18. Policy objective SC 35 is set out in paragraph 6.3.2. The part of the refusal reason which refers to policy objective SC 35 reflects the policy objective, rather than specifying how the proposed development would contravene it.

8.2.19. The policy objective seeks to support and facilitate childcare facilities in appropriate locations and seek their provision with new residential development having regard to the Childcare Facilities Guidelines (2001). This issue is very similar to that addressed in paragraphs 8.2.5 – 8.2.16. While a childcare facility was proposed as part of the parent permission it is my opinion that such a facility would not be a necessity having regard to the Guidelines or the LCDP 2021-2027.

8.2.20. The policy objective also refers to consultation with LCCC. Subsection 4.3 of the PPCS states that the applicant had informal discussions with LCCC. However, the LCCC 'would not be in a position to support the proposal …' I do not consider it reasonable that any application for a development such as this must be supported by the LCCC before a grant of permission can be considered. In this case the LCCC have set out their opposition to the proposed development through the two reports provided to the planning authority. The LCCC does not have a veto over any planning application related to childcare facilities, notwithstanding the weight their position would carry in assessing such an application, and each application is assessed on its own merits based on the specific circumstances arising. As set out elsewhere in this IR, in my opinion the removal of the permitted creche would be acceptable.

8.2.21. Having regard to the foregoing, I do not consider that the proposed development would be inconsistent with the provisions of policy objective SC 35 of the LCDP 2021-2027.

[5] 'I note the comment of Louth County Council that there is likely to be a strong demand for childcare in the area, associated with adjacent employers. However, the applicant is under no obligation to meet this employment associated need in the proposed development' (paragraph 12.9.2).

The absence of a robust evidence base

8.2.22. In my opinion the application has been accompanied by sufficient information on which to make an appropriately informed recommendation. The initial application was accompanied by a PPCS and a CNA and additional information was submitted with the response to the further information request and the grounds of appeal. The grounds of appeal consider that the planning authority is seeking 'an unattainable and disproportionate burden of proof' (the title of subsection 3.6) with the subsection also stating that 'The provision of occupancy data is an impossibility in the context of an unoccupied scheme, as is demographic information on an unpopulated site, whilst occupancy by its nature evolves over time …', 'there is no apparent reasonable level of evidence that would be deemed sufficient by the local Planning Authority …', and 'The burden of proof being applied … is … unreasonable in and of itself, and also disproportionate given the scale of demand arising …'

8.2.23. While the more information available to a deciding body the better, the detail and analysis that has been provided throughout the application process is sufficient, in my view, having regard to the nature and scale of the subject application, to allow the Commission to make a decision to grant permission for the provision of two one-bed apartments in lieu of the permitted childcare facility.

Conclusion

8.2.24. Having regard to the foregoing, I consider that the proposed omission of the permitted childcare facility and its replacement with two one-bed apartments would be acceptable. I do not consider the planning authority's reason for refusal is warranted in this case.

8.3. Future Residential Amenity for Occupants

8.3.1. The proposed development involves the provision of two additional apartment units, bringing the number of apartments on site to 144. I consider certain issues can be briefly assessed to ensure the proposed development would provide an appropriate level of residential amenity and in the interest of completeness.

Apartment standards

8.3.2. Subsection 13.8.28 (Design Standards for New Apartments) of the LCDP 2021-2027 (as varied) states that all applications for apartments are required to demonstrate compliance with the Apartment Guidelines (2023) and the SPPRs. No apartment guidelines are specifically cited in the Dundalk LAP 2025-2031.

8.3.3. As per both subsection 6.2 and the previous paragraph, the 2023 Apartment Guidelines are applicable. The proposed development would comply with the SPPRs as follows:

- SPPR 1 – The number of one-bed apartments within the development would increase to 50 out of 144. Fewer than half of the apartment units would be one-bed units so the development would remain compliant with this SPPR.
- SPPR 2 – This SPPR does not apply.
- SPPR 3 – The proposed apartments would have floor areas of 63.8sqm and 54sqm, substantially in excess of the 45sqm required.
- SPPR 4 – Both proposed apartments would be dual aspect.
- SPPR 5 – Ground floor floor to ceiling heights would be 2.8 metres, in excess of the 2.7 metres required.
- SPPR 6 – The development does not exceed 12 apartments per floor per core.
- SPPR 7 – This SPPR does not apply.

8.3.4. The two proposed apartments would therefore comply with the relevant SPPRs.

8.3.5. Terrace areas / private open space of 6.73sqm and 9.94sqm respectively are provided for the proposed apartments, above the 5sqm required in both the Guidelines and table 13.5 of the LCDP 2021-2027. The ‘Ground Floor Comparison’ drawing (drawing no. 1611-PA-BLA-100) identifies a combined 96.86sqm play area for the permitted creche, which would, minus the proposed terrace areas, become part of, and increase the size of, the wider open space provision on site. Access to both apartments would be external/own door, as opposed to the internal accesses for the other ground floor apartments.

Car and bicycle parking

8.3.6. The IR for the parent SHD application (ABD-303891-19) states in paragraph 12.7.5 that four car parking spaces were provided for the childcare facility. Section 4.2 of the PPCS states that the four spaces 'will service the proposed apartments and others within the scheme as appropriate …' Subsection 5.1.1 of the ADS states that the four spaces 'have been reassigned to provide two car parking spaces for the proposed apartments and two visitor car parking spaces'. I consider that the allocation of car parking within the site is a management issue but the proposed change of use would not have an adverse impact on car parking and it would remain consistent with the provisions of table 13.11 (Car Parking Standards) of the LCDP 2021-2027. Subsection 8.13 of the LAP 2025-2031 states that the car parking standards in the LCDP 2021-2027 are applicable for developments in Dundalk. I consider the proposed car parking to be acceptable.

8.3.7. 284 bicycle spaces were provided as part of the parent SHD application, including internal spaces at ground floor level. The IR for the parent application addressed cycle parking in paragraph 12.7.6. The IR concluded that there was a shortfall of 33 spaces in the provision of cycle parking[6]. Condition 3 (g) of the permission stated, in part, that 'The proposed cycle parking provision shall be revised such that an additional 33 no. cycle parking spaces are provided'. Bicycle parking for the creche was not included in this requirement[7]. Therefore, the proposed change of use of a permitted creche to two apartments results in a requirement for three additional bicycle spaces (one space per unit plus a visitor space). I do not consider this has been provided for or demonstrated within the application, but I consider it can be addressed by way of a compliance condition.

Overlooking

8.3.8. These are ground floor units. The western façade would address an open space area with a separation distance of approximately 26 metres to the closest apartment

[6] The Dundalk and Environs Development Plan 2009 (as extended) required one bicycle space per unit i.e. 142 spaces, however the Apartment Guidelines (2018) required one space per bedroom and one visitor space per two apartments, which would require 317 spaces, a shortfall of 33 spaces. The 2018 standard remains the standard in the 2023 Apartment Guidelines and is also cited in the LCDP 2021-2027. The Compact Settlement Guidelines (2024) requires one space per bedroom plus unspecified visitor spaces.

[7] I also note that the additional bicycle parking required as a result of the subsequent s146B alteration was not addressed (14 spaces, leading to a requirement of 331 spaces overall).

building. The southern façade would face the community room in the adjacent apartment building at a distance of approximately 8 metres and across a pedestrian pathway. The eastern elevation would overlook the main internal vehicular circulation road and an area of undeveloped land. I consider that no overlooking issues arise.

8.4. **Part V**

8.4.1. 142 apartments were permitted under the parent permission. The proposed addition of two apartments, bringing the overall number of apartments on-site to 144, would not affect the applicant's Part V obligation and no Part V issue would arise.

9.0 Appropriate Assessment (AA) Screening

9.1. I have considered this application in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended).

9.2. The subject site is located within an apartment development in the southern area of Dundalk, which is at an advanced stage of construction. The application comprises the provision of two one-bedroom apartments in lieu of a permitted childcare facility. The closest European sites are Dundalk Bay SAC and Dundalk Bay SPA approximately 1.5km to the east.

9.3. No nature conservation concerns were raised in the course of the planning application. Notwithstanding, the Commission invited the Development Applications Unit, An Taisce, and The Heritage Council to make a submission or observation, in the interest of justice, given the proximity of the subject site to Dundalk Bay SPA. No submissions or observations were received.

9.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reasons for this conclusion are:

- the small scale and nature of the proposed development which comprises the limited change of a use of a permitted/largely constructed apartment building.
- the approximate 1.5km distance from European sites and lack of connections (the site is in an urban location and there is no watercourse adjoining the subject area).

- the determination of the planning authority.

9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore AA (under section 177V of the Planning & Development Act, 2000 (as amended)) is not required.

10.0 Water Framework Directive (WFD)

10.1. The site is located on mixed-use zoned land within the built-up urban area in the southern area of Dundalk. The site is at an advanced stage of construction.

10.2. The proposed development comprises the change of use of a permitted ground floor creche within an apartment building to two one-bedroom apartments.

10.3. No water deterioration concerns were raised in the planning application or the appeal.

10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- the small scale and nature of the proposed change of use in the context of the permitted SHD development.
- the absence of a watercourse adjoining the subject area.

10.6. On the basis of objective information, the proposed development would 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.

11.0 Recommendation

11.1. Having regard to the foregoing, I recommend that permission is granted for the LRD as proposed for the reasons and considerations set out below.

12.0 Reasons and Considerations

In coming to its decision the Commission has had regard to the following:

(a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,

(b) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),

(c) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2023),

(d) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024),

(e) the provisions of the Louth County Development Plan 2021-2027 (as varied) including the 'C1 – Mixed Use' zoning for the site,

(f) the provisions of the Dundalk Local Area Plan 2025-2031,

(g) the documentation submitted with the planning application and the first party grounds of appeal,

(h) the reports and observations received on file including from the planning authority,

(i) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,

(j) the planning history on and in the vicinity of the site, and,

(k) the report of the Senior Planning Inspector.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into

account the nature and scale of the proposed development which comprises the change of use of a minor floor space area within a serviced urban development nearing completion, the distances to the nearest European sites, the hydrological pathway considerations, the information submitted as part of the planning application, and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, and plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment was not, therefore, required.

Environmental Impact Assessment

The Commission considered that the proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition, or intervention in the natural surroundings.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Louth County Development Plan 2021-2027 (as varied) and the Dundalk Local Area Plan 2025-2027, it would slightly increase the number of apartment units available on site, and the proposed apartments would provide an acceptable form of residential amenity for future occupants. The omission of the permitted childcare facility would not have a significant adverse impact on the availability of childcare spaces in the area and it would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (ACP Register Reference ABP-303891-19, as altered by ABP-306503-19, and as extended by Planning Authority Register Reference 24/102) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the extended parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Within four weeks of the date of grant of this permission the developer shall submit for the written approval of the planning authority detail of three bicycle parking spaces for the two apartments (one space per apartment plus one visitor space).

Reason: To comply with the provisions of table 13.12 (Cycle Parking Standards) of the Louth County Development Plan 2021-2027 and in the interest of residential amenity.

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.

Anthony Kelly

Senior Planning Inspector

26th January 2026

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ACP-323834-25
Proposed Development Summary	Change of use of permitted creche to two one-bed apartments
Development Address	Gullion Park, Inner Relief Road and Dublin Road, Finnabair South, Dundalk, Co. Louth
	In all cases check box or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, 'Project' means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☐ Yes, it is a 'Project'. Proceed to Q2. ☒ No. No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☐ 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 & Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☐ Yes, the proposed development is of a Class but is sub-threshold.	

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

Inspector: _____ **Date:** _____