



An
Bord
Pleanála

Board Direction
BD-004864-20
ABP-305476-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the policies and objectives in the Wicklow County Development Plan 2016-2022,
- b) the policies and objectives in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019;
- c) the policies and objectives in the AP6- Farrenkelly Action Plan;
- d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- e) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- f) Design Manual for Urban Roads and Streets (DMURS);
- g) Guidelines for Planning Authorities on Urban Development and Building Heights;
- h) Design Standards for New Apartments- Guidelines for Planning Authorities;
- i) The Planning System and Flood Risk Management;

- j) Architectural Heritage Protection, Guidelines for Planning Authorities;
- k) the impact on any Protected Structure in the vicinity;
- l) the nature, scale and design of the proposed development;
- m) the availability in the area of a wide range of social and transport infrastructure;
- n) the pattern of existing and permitted development in the area,
- o) the submissions and observations received,
- p) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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 is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The main significant effects, both positive and negative are:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the area,
- Biodiversity impacts, which will be mitigated by construction management measures, the significant provision of active and passive open space,

protection of trees to be retained, landscaping, invasive species management, measures to avoid disturbance to bats, and provision of bat boxes.

- Land and soils impacts, which will be mitigated by appropriate excavation on the site, re-use of soil and sub-soil in the development, measures to control sediment in surface runoff, and construction management measures.
- Water impacts, which will be mitigated by the use of specialised construction management measures and the storage of waste fuels and the protection of the existing Three Trout's Stream along the north of the site and the servicing on the site.
- Impacts on air quality and climate during construction which will be mitigated by a dust management plan, air quality monitoring and the provision of highly efficient buildings.
- Noise and vibration impact during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts, which will be mitigated by the use of the landscape features, control of excavation, the design height of the dwellings, in particular the apartments central to the site and the landscape and tree/planting plans and monitoring,
- Traffic and transportation impacts, which will be mitigated by the phasing of the development, the delivery of a Spine Road and associated connectivity package of local road improvement measures,
- Built Heritage Impact, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not detract from the character or setting of the adjacent Protected Structure and would not endanger public safety by reason of traffic

hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The proposed 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be seven years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment report submitted with this application as set out in Chapter 16 of the Environmental Impact Assessment Report 'Summary of EIA Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the completion of phase 1:
- (i) Full details of vehicular, pedestrian and cycle connectivity from the proposed development through Eden Gate connecting in full to the existing road and pathways;
 - (ii) Final design and location of the roadside boundary along the R761, Kilcoole Road, to include all necessary upgrades for the vehicular access, footpath and pedestrian crossings;
 - (iii) Full details of a segregated cycle path along the R761, within the site boundary;
 - (iv) Full details of coach parking beside the active open space carpark to accommodate one number coach at a minimum;
 - (v) Full details of the pedestrian crossing over the Three Trout River;
 - (vi) A Quality Audit of all final works (including Stage 2 Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards;
 - (vii) Full details of the boundary treatment 11, as detailed on Boundary Treatment Plan drawing 108, including the extension of this boundary type along the south of Farrankelly House to meet the R761;
 - (viii) The Kilcoole Road junction shall be used for construction traffic only.
- (b) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.
- (c) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold in conjunction with the units and shall not be sold or let separately.

(d) Clearly designated spaces for car share use shall be provided.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and sustainable travel.

5. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

6. The proposed development shall be carried out on a phased basis detailed in the application and shall include the crèche building in Phase 1 and those associated works which accompany same.

Reason: To ensure the timely provision of services for the benefit of the occupants of the proposed dwellings.

7. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with the submitted landscaping plans and particulars and shall also include the following:
- (a)
 - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal,
 - (ii) a continuous hedge of indigenous species, for example holly, hawthorn, beech or field maple, planted for the full length of the boundary,
 - (iii) the establishment of predominantly native and naturalised woodland on areas incorporating species, variety, size, type, number and location of all trees and shrubs, and
 - (iv) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment in line with the specification submitted to An Bord Pleanála on the 20th day of September 2019.
 - (c) Specifications for sports pitches and play areas shall be submitted and comply with the national standards.
 - (d) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
 - (e) A timescale for implementation (including details of phasing), which shall provide for the planting to be completed before the dwelling/building is first made available for occupation

The work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity, and to ensure the timely provision of services for the benefit of the occupants of the proposed dwellings.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

The plan shall include details for the appropriate disposal of the invasive species which has been treated within the site during construction.

Reason: In the interest of sustainable waste management.

11. 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.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

12. All service cables associated with the proposed development, such as electrical, communal television, telephone and public lighting cables, shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenity of the area.

13. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. 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.

Reason: In order to safeguard the residential amenity of property in the vicinity.

16. A 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 and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

18. Prior to commencement of development, the developer, or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted

under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

20. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. The developer shall pay the sum of €200,000 (two hundred thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of a new sport facility, including indoor changing and administration, commensurate with the active open space facilities to be constructed by or on behalf of the planning authority adjacent to the active open space to be taken in charge. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member

Date: 08/01/2020

Paul Hyde