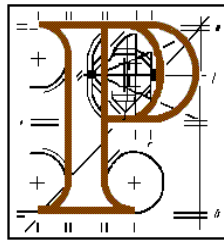


An Bord Pleanála



Inspector's Report

Development

178 houses, crèche, and all ancillary site development works at Ballinahinch, Ashford, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Register Reference: 15/524

Applicant: Moffash Limited

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Matthew Weiss & Others

Pat & Martina Fox

Type of Appeal: Third Party

Observer(s): Cormac Breatnach

Brendan Newsome & Others

Eleanor Mayes

Date of Site Inspection:

21st September, 2016

Inspector:

Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There are two third party appeals by Matthew Weiss and others and Pat and Martina Fox against a decision by Wicklow County Council to grant permission to Moffash Limited for the construction of 178 houses, a crèche and all ancillary site development works at Ballinahinch, Ashford, County Wicklow.
- 1.2 The applicant is the stated owner of the 8.67 hectare site upon which it is proposed to construct the 178 houses and crèche. The original submission to the planning authority on 25th May, 2015 comprised:
- 18 detached 4/5 bedroom houses,
 - 140 semi-detached 3/4 bedroom houses,
 - 20 terraced 2/3 bedroom houses.

The development also included a two-storey crèche with a stated floor area of 476 square metres, new internal estate roads, a realignment of the R763 public road, landscaping and associated parking. Details submitted with the application included a design statement, transport assessment, landscaping and engineering services reports. Unsolicited further information submitted on 23rd June, 2015 comprised streetscape views of the proposal.

- 1.3 Objections to the proposal were received from Fiona McDonnell, Pat and Martina Fox, Brendan Newsome and others, Matthew Weiss and others, and Margo and Fintan Mulligan. The concerns raised are reiterated in the appeal submissions.

- 1.4 The reports to the planning authority were as follows:

The Area Engineer asked about the potential to get the developer to extend the public footpath on the R763 to the junction with the R764 as the current path is substandard.

Irish Water (report dated 14th April 2015 in response to application lodged on 25th May 2015) had no objection subject to conditions. The observation report attached referred to the need for the upgrading of the watermains.

The Department of Arts, Heritage and the Gaeltacht heritage observation noted the development is adjacent to a concentration of archaeological sites and considered there was a possibility that archaeological features will be disturbed. A geo-physical survey and archaeological testing in advance of the development was recommended.

The Transport and Roads Infrastructure Engineer recommended further information on details relating to estate road design and junction provisions.

The Water Services Engineer recommended that the watermain on the R763 be upgraded in agreement with Irish Water.

The Planner noted planning history, development plan provisions, third party objections and reports received. It was stated that the proposed scale of development is within the housing target of the Development Plan for Ashford. It was considered that, having regard to the County Development Plan settlement strategy and the zoning objective on the site, the principle of the development is acceptable. It was stated that the planning authority projects a need for 858 housing units in Ashford by 2022 to accommodate a target population of 3000 and it was noted that there has been no substantial development in Ashford in recent years. It was submitted that the provision of 178 houses would be within target limits. It was considered that further information was required on how restrictions on occupancy required by the Plan would be applied. The density of development was regarded as acceptable. It was considered that the phasing of the development should be carried out with reference to the timing of the provision of the road proposed to cross the site in accordance with Objective SL03 of the Plan. The layout of the development and pattern of

development were considered acceptable but it was submitted that permeability into adjoining lands to the north should be considered, notwithstanding such lands not being zoned currently. It was submitted that further information was required on estate road design and junction provisions, visual assessment, addressing impact on residential amenity, surface water drainage, rear garden levels, public open space levels, landscaping, restriction on house occupancy required by the development plan, and justification for a smaller scale crèche than that required by the development plan.

The Senior Engineer also requested the applicant's opinion on which elements of the proposed through road considered to be over and above the needs of the proposed housing.

A further information request was issued on 16th July, 2015. A response to this request was submitted by the applicant on 21st January, 2016. This included revised drawings which included revised boundary provisions, estate roads and house types, engineering reports on traffic, roads and drainage, photomontages, cross sections showing proposed levels, a revised phasing programme, landscaping proposals, further crèche details, and details of the elements of the through road considered over and above the needs of the proposed housing. The applicant submitted that there was a willingness to restrict the sale of 50% of the houses to people that have been living and/or working in County Wicklow for at least 1 year in accordance with development plan provisions.

Further third party submissions in response to the further information were received by the planning authority from Matthew Weiss and others, Brendan Newsome and others, and Pat and Martina Fox.

The reports to the planning authority were as follows:

The Roads Engineer, in a first report dated 15th February 2016, stated there was no objection subject to revisions to a schedule of issues being resolved. In a second report of the same date he submitted that he had no objection subject to a schedule of issues being dealt with by way of condition.

The Planner noted the further information submission. Clarification was requested in relation to estate road design and junction provisions, house design, surface water drainage, phasing, crèche design, and through road details.

A report from the Wicklow Child Care Committee sought further details on the proposed crèche facility.

Clarification was sought on 2nd March, 2016 and a response was received by the planning authority on 9th May, 2016. These included revised drawings, house design and layout changes, and a crèche design report.

A further objection to the proposal was received by the planning authority from Kevin Barry and Christina Jenkinson. A further third party observation was received from Richard Weiss and others.

The reports to the planning authority were as follows:

The Area Engineer had no objection.

The Roads Engineer had no objection to the proposal subject to issues raised being dealt with by way of condition.

The Planner noted the third party submissions and offered considerations in relation to the issues raised. The clarifications submitted were regarded as acceptable and, where further matters arose, it was considered these could be dealt with by way of conditions attached to a grant of permission. A grant of permission, subject to conditions, was recommended.

1.4 On 10th June 2016, Wicklow County Council decided to grant permission for the development subject to 28 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 21st September, 2014.

2.2 Site Location and Description

The site of the proposed development is located at the northern side of the settlement of Ashford in County Wicklow. It comprises a number of fields in agricultural use on the outer edge of the settlement. The site is bounded to east by the R764 (Ashford-Roundwood) and to the south by the R763 (Ashford-Annamoe). There is extensive detached housing along these roads, with the exception of a small scheme off the R763 opposite the site, Bramble Glade. Overhead ESB lines traverse the site. There are detached houses bounding the eastern part of the site, comprising a mix of house types. The Vartry River lies a short distance to the south of the site.

2.3 Development Plans

Ashford Town Plan

The site is zoned R20 New Residential and comprises lands within an area identified as Special Local Objective 3 (SLO3). The zoning objective is to protect, provide and improve residential amenities at a density up to 20 units per hectare.

The SLO3 lands of 8.5 hectares are zoned for residential development and this objective includes the provision of a through road from the R763

to the R764 and improvements to the width and alignment of the R763 along the site's frontage. The objective requires that no more than 50% of the site may be developed in advance of the completion of the road. The Plan further indicates that the objective provides for two phases of residential development, with Phase 1 comprising up to 92 potential units and Phase 2 comprising 70 units.

Wicklow County Development Plan 2010-2016

Settlement Strategy

Under the Plan, Ashford is designated a 'Small Growth Town' and a Level 5 Settlement.

It is scheduled that the number of new residential units required between 2010 and 2022 in Ashford is 480 and that there is a surplus of 160% of zoned land in Ashford.

Urban Development

Objective UD6 states that the settlements in Level 5 shall be reinforced as attractors for more indigenous growth and investment and shall absorb demand for new housing from inside and outside the county subject to the following controls:

- In any new multi-house development, a minimum of 50% of new houses shall be sold to persons that have been living and/or working in County Wicklow for at least 1 year. There are no restrictions on the remaining 50%.
- New single house developments shall be restricted to those living and/or working in the county for 1 year.

The Plan sets out a range of standards and provisions to be met for new residential development.

Crèche Facilities

Objectives include:

Objective CC3 – To require the provision of childcare facilities in all residential developments comprising 75 houses or more. In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, unless it can be demonstrated that, having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area, this level of childcare facilities is not required. Without substantial cause, it is the policy of the Council not to allow a change of use of these premises within five years.

2.4 Planning History

ABP Ref. PL 27.222526

Permission was granted by the Board for four detached dormer bungalows in 2007.

3.0 PLANNING APPEALS

3.1 Appeal by Matthew Weiss & Others

The grounds of the appeal may be synthesised as follows:

Conflict of Interest of Wicklow County Council

- There is a conflict of interest because of the money and road improvement that the estate will bring to the county.

The Development being “Out of Character”

- The out-of-character nature of the estate is emphasised. All of the house types are distinctly “commuter belt” housing. The height of houses is referenced and the density is seen as unprecedented in Ashford.
- The established residents cannot be forced into an out-of-character future for Ashford.

The Conflict of Zoning vs. Planning

- The estate is out of character by design because of the zoning density of 20 units per hectare.
- The current zoning has a stipulation of 92 units in Phase 1 and 70 units in Phase 2. The decision relates to 169 dwellings which is still above the zoning provisions.
- The proposed estate falls outside of the guidelines of the NTA. According to NTA guidelines, no estate like this should be in Ashford. Each house is being built with 4 car spaces and will add to traffic on the N11 and M11 because of the lack of any other transport. Zoning should be changed to where transport exists.

Lack of Infrastructure

- Without proper transport a development of this size is unfeasible for Ashford and places like Bray or Wicklow should be developed instead.
- The roads cannot accommodate more cars, the village cannot accommodate more parking and school children are at risk from such increases in cars.
- The existing bus service does not have the capacity to serve the new residents.
- The train is in Wicklow Town, 6.5km away and outside NTA guidelines.

- The proposed crèche meets only part of the need for crèche services. The two existing primary schools have long waiting lists with no plans to expand further as both have only just been upgraded. There are no secondary schools in Ashford.
- Broadband in the area is deficient and the development will negatively impact on others.
- Deficiencies in the local road network to serve the development are highlighted. Reference is made to the junction of the R763 and R764, poor road alignment, inadequate road widths and footpaths, and lack of cycleways. Photographs are attached in support of the submission. Reference is also made to construction traffic concerns. It is concluded that, when the Council has the roads correct, they can give permission for a large estate but not before the road infrastructure is in place.

Detail Issues

- With many of the houses 10m high and on ground that is 2m higher than existing neighbours, the effect of the estate on its neighbours is unreasonable. All of the houses facing neighbours on three side of the estate should be single storey dwellings on a single property, not terraced and with sufficient garden space surrounding them.
- The realignment of the R763 aims directly towards one of the neighbours, resulting in car headlights shining directly into front windows. Solutions such as landscaping or constructing a wall are not really acceptable.

3.2 Appeal by Pat and Martina Fox

The appellants own the plot of land to the south of the proposed regional road junction, containing two bungalows 'Carrigbeg' and 'Copper Beech'. It is submitted that both have finished floor levels c. 2-3m below the ground level at the rear where the development is proposed. The grounds of the appeal may be synopsised as follows:

Boundary Treatment

- The revised proposal for a row of bungalows backing onto the existing two houses is welcomed. The permitted proposed boundary treatment is contrary to the agreement between the applicant and the appellants to provide boundary walls. This requires clarification by way of conditions.

Prematurity

- The dangerous junction of the R763 and R764 is constrained from being improved due to two listed buildings. Reference is made to deficiencies in the existing road network in terms of alignment, poor sightlines, inadequate footpaths, traffic congestion at school times, traffic accidents, and exacerbation of these problems if the development is permitted. Until the R763/R764 link road and the R764/N11 road link are complete, the road and footpath network between Ballinahinch and the town centre will remain unsatisfactory.
- The proposed road link in the development does not improve the road network for traffic going from, travelling to, Ashford town centre, the old N11 to the east or to the M11 motorway. All traffic, including that generated by the proposed 169 houses, will need to continue to use the unsatisfactory road network and footpaths and the seriously deficient R763/R764 junction.
- The Council has a development objective to provide a link between the old N11 and the R764. No reference is made to this in the Council's reports. This link is an essential link and has more priority and urgency than the R763/R764 link. This should be in place before the commencement of construction of this development.
- The principle of the development fails the sequential test. There are more suitably and centrally zoned lands in the SL02, AA2 and SL01 zones closer to the town centre.
- The existing primary school is at excess capacity and secondary schools in the surrounding towns are operating at maximum capacity. Ashford is served by one Centra shop which can hardly cope with current business and has no capacity to expand within its site. The public bus service is totally inadequate. The nearest train stop is in Wicklow Town.

Surface Water Discharge and Realignment of the R764

- A large attenuation tank would be located adjacent to the appellants' northern boundary, is offensive, unnecessary and would lead to significant construction works on the boundary. It would interfere with natural drainage. The proposed discharge to an attractive roadside ditch, proposed to be culverted due to the realignment of the R764, would damage the visual character of this area and would lead to a loss in ecological diversity. The proposed surface water system is unnecessary and could be redesigned so that waters discharge by gravity towards the south of the site.

Residential Amenity

- Concern is raised about the impact on residential amenity by construction traffic, noise and dust generation.
- The height of two-storey houses allows for the inclusion of a third storey at a later time and this could cause serious overlooking on the periphery of the site.

Devaluation of Properties

- The urban environment created by the proposed oversized development would substantially devalue existing properties.

4.0 APPLICANT'S RESPONSE TO THIRD PARTY APPEALS

4.1 Response to the Appeal by Matthew Weiss & Others

The response may be synthesised as follows:

Introduction

- The appellants' invitation to maintain the status quo is untenable, contrary to proper planning and sustainable development, and flies in the face of the context for development established in the hierarchy of guidelines and plans from national to local level.

- The section 48 development contribution is typical of any grant of permission. The suggestion that permission has been 'bought' is nonsense. Improvements to roads and footpaths will be of particular benefit to the wider community.

The Development being "Out of Character"

- The design and scale of the houses have been substantially altered during the planning process and are more sympathetic to the area.
- The proposal will only present itself to the existing environment where it fronts the R763.
- In terms of density, the site is zoned for residential development in a recently adopted LAP, which accords to the County Plan's core strategy and Regional Planning Guidelines. At 20 units per hectare, it is low density, representing a balance between local context and the recommendations for minimum densities on zoned and serviced land in the National guidelines.
- The scheme proposed is none of things that constitutes a 'commuter belt estate'. It is of low density, with rear gardens that accord with development plan standards. The absence of front gardens allows for the provision of public open space to the front of most of the houses.

Zoning

- The Board is asked to deem the zoning provisions to be appropriate.
- The phasing to be implemented is transparent.
- A rate of two parking spaces per dwelling is applied to the development.

Lack of Infrastructure

- The appeal takes no account of the construction/phasing of the development over several years and varied population profile and household formation.
- The LAP addresses the provision of physical and social infrastructure. Ashford will be developed in accordance with the LAP, which reflects

the core strategy of the Development Plan and the designation of the town for moderate growth in the Regional Planning Guidelines.

- With regard to the local road network, the permitted development will deliver the necessary requirements referred to by the appellants with the provision of the link road, improvements to the R763 and R764 and the realignment of the junction.

A note from the applicant's Transport Consultant is attached as an appendix to the appeal response and addresses the concerns relating to car parking provision, bus services, the local road network, and light disturbance.

Residential Amenity

- The request to provide single storey dwellings to the three sides of the site is unnecessary. The east boundary is the only location where the scheme abuts the rear of adjoining properties. The existing dwelling to the west boundary is well screened. Distances between dwellings are substantial. There are no negative impacts of overlooking or overshadowing.

4.2 Response to the Appeal by Pat and Martina Fox

The response may be summarised as follows:

Boundary Treatment

- The applicant agrees to the provision of a new boundary treatment and there is no objection to the attachment of a suitable condition.

Prematurity

- The sites referred to in the appeal more suitable for development are further removed from the town centre than the site. The site is one of the closest to the town centre in the LAP.

- The town requires planned and sustainable growth, as identified in the LAP, in order that facilities and infrastructure can be developed and sustained.

Residential Amenity

- Impacts of construction are controlled by condition and hours of operation. They are temporary in nature.
- The claim that attics will be converted is speculative.
- On making lifestyle choices and Ashford being a rural village, it has been identified as a moderate growth town for several years and lands have been zoned for residential development in several LAPs.

The response includes a submission from the applicant's Consulting Engineers relating to traffic, roads and surface retention. This noted a Traffic and Transport Assessment had been submitted with the application, road design standards applied in the application, road infrastructure proposed, surface water drainage proposals, the retention of the open ditch and control of discharge, and the rationale for the surface water disposal system.

5.0 OBSERVATIONS

5.1 Observation by Cormac Breatnach

An observation by Cormac Breatnach, The Old Forge, Ballinahinch, raised concerns about non-conformity with The National Spatial Strategy, with reference to excessive density, lack of community facilities, inadequate drainage details, lack of public transport, road congestion, inadequate roads infrastructure, and lack of a Road Safety Audit. Further concerns were raised about the prematurity of the proposal, the development being contrary to national, county and local plans, and traffic safety.

5.2 Observation by Brendan Newsome & Others

The observation by Brendan and Jane Newsome and Andrew and Pauline Doyle from Ballinahinch raised concerns in relation to traffic/road

infrastructure and safety, non-compliance with LAP objectives, impact on an existing watercourse, and overlooking and privacy.

5.3 **Observation by Eleanor Mayes**

An observation by Eleanor Mayes, Old Post Office, Ashford, effectively repeats the observation by Brendan and Jane Newsome and Andrew and Pauline Doyle.

6.0 **ASSESSMENT**

6.1 Introduction

6.1.1 I will consider the significant planning issues relating to the development of this site under the following headings:

- The principle of the proposed development in the context of national, regional and local planning provisions,
- The character of the development,
- The quality of infrastructure,
- Impact on residential amenity,
- Phasing of road developments, and
- The impact of surface water provisions.

6.2 The Principle of the Proposed Development in the Context of National, Regional and Local Planning Provisions

6.2.1 Ashford is a small settlement that lies immediately west of the N11 National Primary Road some 6km north-west of Wicklow Town. Its centre is focused along a section of the R772, with low density housing emanating from its approaches. More dense residential development lies beyond this in the form of a number of estates. One such estate lies to the north-west, Bramble Glade, which is a small estate of approximately 32 detached houses. The others comprise an integrated grouping of small estates to the south – Woodview is an estate of approximately 75 houses comprising a mix of units, Ballinalea comprises approximately 54 terraced

houses, and Rosanna Close comprises approximately 38 detached houses. The site for the proposed development lies east of Bramble Glade and north of the village centre. Having regard to the function of the village at present as a small settlement, its proximity to Dublin, and its accessibility via the N11 national route, it is important to seek to understand the context for the development of this small settlement within the Greater Dublin Area and to understand how this proposed housing scheme fits within the range of development plans and strategies in order to determine the suitability of the proposal in the context of proper planning and sustainable development. It is evident from the evolving nature of the settlement of Ashford that the proposed housing scheme, as a single scheme, would be of a scale and of a density greater than development heretofore.

National Spatial Strategy

6.2.2 I first note the National Spatial Strategy as it relates to locating housing in urban areas. Therein, it is identified in Section 5.3.1 what constitutes sustainable provision of housing in urban areas, which includes:

- * Concentration of development in locations where it is possible to integrate employment, community services, retailing and public transport;
- * Mixed-use and well-designed higher density development, particularly near town centres and public transport nodes like railway stations;
- * The efficient use of land by consolidating existing settlements, focusing in particular on development capacity within central urban areas through re-use of under-utilised land and buildings as a priority, rather than extending green field development;
- * Ensuring that new housing development in or at the edges of villages and small towns is of a quality of design, character, scale and layout that is well related to the character and form of the village or small town in question at its particular stage of development.

6.2.3 The above constitute good planning practice in the pursuit of sustainable development, and the development of Ashford and consideration of the proposed development should reasonably have regard to the necessity to comply with such fundamental principles in the interest of the proper planning of Ashford. Considering the proposed development in the context of these fundamentals of sustainable development, one could reasonably conclude that the scheme does not sit satisfactorily with them as the scale of the scheme appears significantly in excess of required housing provision within such a small settlement, and it presents itself as a likely commuter-driven development as it is not understood to integrate with employment, community services, retailing and public transport. It clearly does not have access to any credible public transport service to serve commuter needs and there appears to be no plans to do so. While occupying land between an established housing estate and the designated village centre, it is of a scale and density unrelated to the form and nature of development within the village, which must question the compatibility of the quality of design, character, scale and layout in the context of the evolving small settlement of Ashford.

Regional Planning Guidelines

6.2.4 The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 seek to provide policies and a strategy for the development of the Greater Dublin Area, which includes County Wicklow. Chapter 4 sets out the Settlement Strategy. It is stated that cornerstone documents for the settlement strategy are the *National Spatial Strategy* and *Smarter Travel – A Sustainable Transport Future*. In the Guidelines it is recognised from the NSS that development in the hinterland of the metropolitan area needs to be concentrated in strategically placed, strong and dynamic urban centres. It is recognised from *Smarter Travel* that the Regional Planning Guidelines are given a clear direction to deliver greater integration of land use and transportation planning and that central to this is the need to include policies on focusing housing in cities and towns with good public transport connections. In the Settlement Hierarchy identified in the document it is noted that ‘Small Towns’ and ‘Villages’ are not scheduled and that each is to be identified by Development Plans. ‘Small Towns’ are described as: ‘Good bus or rail links; 10km from large growth towns’ and yielding a population of between 1,500 and 5,000 people. I note that Wicklow Town is a designated Large Growth Town 1 and that the population of Ashford

would be at the very lower end of the population spectrum for ‘Small Towns’. The Guidelines state that towns in the lower tiers should grow at a sustainable scale in line with natural increase, growth in economic activity in the area and the quality and capacity of public transport available to existing and future populations.

6.2.5 Further to my considerations above, it is reasonable to conclude that the scale of the development proposed in the context of the natural increase of the small town of Ashford and what is known of the expansion in the town’s economic activity would appear to be somewhat mismatched. This is compounded by the seriously deficient public transport infrastructure that is critical in accommodating the commuter-type development now pursued. Such higher density development to meet needs beyond the economic expansion and natural population growth of the village and in isolation of a basic public transport alternative to reduce the unacceptably high dependence on car-based travel to the city (inevitably using the N11/M11 and congested links to the city centre), does not constitute sustainable development. This type of development in Ashford appears to conflict with the settlement strategy espoused by the Regional Planning Guidelines.

Wicklow County Development Plan

6.2.6 Wicklow County Development Plan 2010-2016 sets out a core strategy which seeks to provide indicative population levels for each settlement within the county. The settlement strategy designates Ashford as a Level 5 Small Town. It estimates that the number of new residential units required between 2010 and 2022 in Ashford is 480 and that it has a 160% surplus of zoned land to meet the growth needs of the town. It proposes a doubling of the population of the town by 2022 to 3,000.

6.2.7 Key strategic goals of the core strategy include:

Goal 3 To integrate land use planning with transportation planning, with the dual aim of reducing the distance that people need to travel to work, shops, schools and places of recreation and social interaction, and facilitating the delivery of improved public transport.

The Plan recognises the level of commuting in the county is unsustainable and that reducing the need to travel long distances by private car and increasing the use of sustainable alternatives is required. Strategic policies under this Goal are:

- Craft land use policies to produce settlements of such form and layout that facilitates and encourages sustainable forms of movement and transport, prioritising walking and cycling, and for larger settlements, bus transport.
- Promote the improvement of public transport services.

Goal 4 To enhance existing housing areas and to provide for high quality new housing, at appropriate locations and to ensure the development of a range of house types, sizes and tenures in order to meet the differing needs of all in society and to promote balanced communities.

Policies include:

- To promote the delivery of appropriately scaled and located employment, retail and social/community infrastructure in tandem with new residential development.

Goal 5 To maintain and enhance the viability and vibrancy of settlements, to ensure that towns and villages remain at the heart of the community and provide a wide range of retail, employment, social, recreational and infrastructural facilities.

Policies include:

- To encourage higher residential densities in urban areas, and to reflect this in local area and town plans.

6.2.8 The Plan in Chapter 5 considers urban development and, in reference to the settlement strategy and Small Growth Towns (Level 5), the objective is:

UD6 The settlements in Level 5 shall be reinforced as attractors for more indigenous growth and investment and shall absorb demand for

new housing from inside and outside the county subject to the following controls

- In any new multi-house development, a minimum of 50% of new houses shall be sold to persons that have been living and/or working in County Wicklow for at least 1 year. There are no restrictions on the remaining 50%.
- Any new single house developments shall be restricted to those living and/or working in the county for 1 year.

6.2.9 With regard to the above, I must first acknowledge that the proposed development constitutes a suburban estate common to many towns throughout the county and beyond. It is of a scale and form one would reasonably associate with an expanding town that has the infrastructure to facilitate the social and community needs of its occupants. Ashford, it must be reasonably recognised, is in real terms a village in the context of the social and community infrastructure it has to meet its community needs. The proposed development is of a scale, form and layout that fails to fit comfortably with a progressive, balanced growth of a small settlement that does not have the basic social and community infrastructure to facilitate such an expansion. Due to the lack of basic community and social infrastructure, the allowance of such a scheme would be promoting the development of a commuter estate and the Board, if it decides to permit such a scheme, is accepting this outcome. This proposal counters the principle of sustainable development, with the immediacy of occupancy by those primarily from outside of the town who have formative links that are economically and socially placed elsewhere. In isolation of necessary social and community infrastructure and in realising the development would feed substantial traffic at this location onto the N11/M11 and into Dublin city, and with the lack of any public transport alternative within reasonable proximity, it begs the question as to why Ashford is targeted to provide for a doubling of its population up to 2022.

6.2.10 Ashford is not a centre of any substantial employment. It has no secondary school. It appears from submissions received that the primary schools are limited in capacity (one of which is not in Ashford but is located at Nun's Cross to the west of the settlement). There is an extremely limited retail base and recreational options are also very limited.

When one examines the town's needs against the goals, policies and objectives set out above, one cannot conclude that land use and transportation planning are integrated, the need to reduce long-distance travelling is being promoted and facilitated by this scheme, and that it is a high quality development at an appropriate location. Having regard to Objective UD6, I put it to the Board that this as an objective, while laudable, is all but impossible to implement in such a scheme, most especially when there is no understanding as to why Ashford would be selected to facilitate such an expansion of population in the immediate term. In my opinion, there is a very significant gap between, on the one hand, selecting this town for significant expansion and facilitating this proposed development to meet a substantial part of that expansion and, on the other hand, meeting with all of the goals, policies and objectives that appear to promote sustainable development, when clearly this scheme is unsustainable.

Ashford Local Area Plan

6.2.11 The County Development Plan evidently sets the agenda and provides substantial guidance for the Ashford Local Area Plan. Variation No. 5.1 of the County Development Plan provides the current Ashford Town Plan, which was adopted in October 2014. The Variation and Plan refer to the number of housing units needed between 2011 and 2022 in Ashford being 858, with the estimated population for 2022 remaining at 3000. The site comprises an Action Area - SL03: Ballinahinch. The lands are zoned R20: New Residential with the objective "To protect, provide and improve residential amenities at a density up to 20 units/ha." Action Area SL03 is an area that is intended to provide a potential 92 residential units in a first phase and 70 units in a second phase, or approximately 19% of the 858 units that are estimated to be needed.

6.2.12 It is evident that the proposed development seeks to meet the requirement of the Action Area by proposing a density of development in keeping with the zoning provision, by proposing to provide a through road from the R763 to the R764 and by improvements to the width and alignment of the R763 along its frontage. With regard to the proposed expansion of the town and the substantial contribution the development of the SL03 lands is intended to make, I further recognise the Plan sees the proximity to the N11/M11 and the higher order town of Wicklow/Rathnew as a key asset in

terms of economic development and employment, further recognising that the town is unlikely to act as an attractor for a large scale employer.

6.2.13 When one considers the provisions of the LAP and the intent for significant expansion of the town, it is easy to understand its motivation from the County Development Plan but very difficult to determine that the expansion objective is in any way compatible with national and regional policy and guidance and the promotion of sustainable development. The issue at hand is: is one seeking to facilitate balanced growth of the town based on need or is one seeking to promote the expansion of Ashford as a residential location whose occupants would be almost wholly reliant on their economic, educational, recreational, needs, etc. elsewhere? The latter can effectively only be met by using the car to access the required infrastructure and facilities distant from the town. Clearly, this is a fundamental question for the scheme at hand due to it being a substantial component of the proposed extension of the town. It is my submission to the Board that the allowance of such a scheme feeds unsustainability in isolation of proper planning and it repeats the array of planning mistakes that have scarred so many small towns and villages throughout the country in very recent times. Mistakes such as this, effectively parachuting a relatively large suburban housing estate into what is in effect a settlement with social and community infrastructure suited to a village, should not be made in light of recent experiences.

6.2.14 Having regard to the above, I am firmly of the view that the principle of this relatively large scale suburban estate in Ashford is not sustainable and could not be viewed as being in the interest of the proper planning and sustainable development of the area, notwithstanding the promoted growth rates that are espoused in the County Development Plan and the Local Area Plan.

Other Strategies

6.2.15 Finally, I wish to bring the attention of the Board to the conclusions drawn on the lack of integration between land use and transportation in this instance by averting to *Smarter Travel – A Sustainable Transport Future* and the recently published *Transportation Strategy for the Greater Dublin Area 2016-2035*.

- 6.2.16 The former strategy seeks greater integration between spatial planning and transport policy, seeking to reduce car-based commuting, maximising transport efficiency, and improving transport accessibility. Greater integration between population and employment in compact urban areas is promoted where such areas are served by public transport and sustainable transport modes.
- 6.2.17 The latter constitutes a recently published transport strategy for the GDA by the National Transport Authority, providing a framework for the planning and delivery of transport infrastructure and services in the area. This strategy acknowledges the legacy of car-based peripheral expansion in the GDA, the significant decline in the level of service of the M50 on the southern approach to the city, and the increasing congestion of the N11/M11 route. It acknowledges that national transport policy seeks a reduction in the growth in car travel and an increase in the use of public transport, cycling and walking. It encourages land use policies which support the provision of development in locations and at densities which enable the efficient provision of public transport services. It is an express Strategic Planning Principle that residential development located proximate to high capacity public transport be prioritised over development in less accessible locations in the GDA (Section 7.1.2).
- 6.2.18 It is clear from these Strategies that superimposing a relatively large suburban housing estate in the isolated settlement of Ashford will exacerbate the failure to integrate land use planning and transportation in the Greater Dublin Area.

Conclusion

- 6.2.19 Having examined the range of plans, guidance and strategies above, I can only reasonably conclude that the proposed development in Ashford constitutes unsustainable development that is incompatible with national and regional policy, and in particular with guidance espoused for the development of the Greater Dublin Area.

6.3 The Character of the Development

- 6.3.1 The assessment set out above has inherently addressed the issue of the character of the development. The applicant has failed to demonstrate

how this suburban form of housing estate will not function as ‘commuter belt’ housing. The scheme is a single, relatively large housing estate and its layout reflects this. There is no attempt, despite the scheme seeking to include a significant section of new public regional road, to produce appropriately phased small, self-contained residential enclaves, with a variety of house types, unit sizes and designs more suited to this small settlement. Rather, the applicant has chosen to produce what effectively represents a single large scheme bounding a new section of public road, with common building forms, integrated open spaces, inter-linked estate roads, etc. and at a density heretofore unseen in Ashford. It is acknowledged that the applicant was required to make material changes to the scheme throughout the planning process with the planning authority. However, to suggest that the scheme presents itself as anything other than one large estate would be misleading.

- 6.3.2 Further to the above, I note the provisions of *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* published by the Department of the Environment, Heritage and Local Government. With regard to small towns and villages (Chapter 6), it is acknowledged that smaller towns and villages are a very important part of Ireland’s identity and the distinctiveness and economy of its regions. The Guidelines note concerns about the impact of rapid development and expansion on the character of smaller towns and villages through poor design and particularly the impact of large housing estates with a standardised design approach on the character of towns and villages that have developed slowly and organically over time. The form and density of the proposed development fails to reflect a balanced further development of the town of Ashford, a town clearly isolated from employment centres and public transport options. The progressive development of this settlement demands greater proportionality when considering the pattern and grain of the established town. Rapid growth of a relatively large site that lacks distinct and efficient connectivity could not be construed as pursuing sustainable development for Ashford. This is particularly so for the pedestrian when one understands the circuitous routes required to be taken from within this estate to the established and minimal public footpath network in the environs and on towards the town centre. This reinforces the isolation of the scheme.
- 6.3.3 Finally, in the context of the Urban Design Manual that complements the Guidelines referenced above, it is found that the proposed scheme

responds poorly to its surroundings and it has a low degree of connectivity to the established neighbourhood and the town centre.

6.4 The Quality of Infrastructure

6.4.1 Ashford is not well served by public transport to meet the needs of commuters who ultimately would form a significant component of occupiers of this proposed scheme. Ashford has one small convenience shop. It has a primary school which locals suggest are at capacity and this has not been refuted. It has no secondary school. It has a local road network that necessitates significant upgrading to meet current needs and to accommodate any reasonable expansion. It has a poor footpath network to serve pedestrians in the vicinity of the site and this will not be resolved by the proposed development due to the inability to provide linkage along the R764. There are no provisions for cycleways in the vicinity. Thus, the provisions for alternative means of transport are seriously deficient. It can, therefore, reasonably be concluded that the quality of basic social and community infrastructure is lacking to serve the basic needs of the occupiers of the proposed scheme and that the applicant is not in a position to ensure basic social and community needs are met with the development of the estate. Such a conclusion leads one to reasonably determine that development such as that proposed is best located where established facilities and infrastructure can accommodate expansion and clearly away from this isolated location.

6.5 Impact on Residential Amenity

6.5.1 The proposed development would have an impact on the perceived character of the low density development by established residents in the immediate vicinity due to the scheme's sheer scale and proposed density. This would be viewed as a significant change in the amenity of residents who heretofore have not had concerns about encroaching urban development to the rear of their properties. This may be perceived as resulting in a potential devaluation of existing residential properties, although this cannot reasonably be quantified in this instance where there is a lack of information to allow such a conclusion to be drawn.

- 6.5.2 The estate layout and form has, however, evolved through the planning process with the planning authority to ensure that substantial efforts have been made to eliminate issues such as overlooking, overshadowing and overbearing impact. Changes to house types closest to established housing, separation distances between proposed and established houses, orientation of new units, and provision of appropriate boundary treatment between established and proposed properties have gone some distance towards alleviating direct impacts on established residents. To this end, concerns about adverse impact on residential amenity have been significantly addressed in the final proposed scheme submitted to the planning authority.
- 6.5.3 Concerns about future development of upper floors of proposed units could be controlled by condition by either omitting the option to do so or by requiring permission for such conversions. With regard to the effect of the realignment of the R763 on one of the residents by way of headlights shining into the house, there are clearly screening solutions to this. It is acknowledged that the applicant proposes to satisfactorily address the concerns of Pat and Martina Fox with regard to rear boundary treatment. It is also accepted that the request to provide single storey dwellings to the three sides of the site is unwarranted in principle due to the location of established residential properties and the failure to demonstrate the need where such a scale of development is not proposed.
- 6.5.4 Finally, it is accepted that construction impacts arising from the development of a housing scheme is likely to cause inconvenience and potentially some nuisance to neighbours of the site and to road users in the vicinity. However, I acknowledge that such impacts would likely be of intermittent and short duration and that the timeframe for the development of the scheme would ensure the construction phase would not have lasting environmental effects for the local community.

6.6 Phasing of Road Developments

- 6.6.1 I note that the appellants have raised concerns about the need for the development of the new section of R763 to link with the R764 and the development of the R764/N11 link and the importance of these being developed to ensure the town's road infrastructure is adequate to accommodate future development. In the event of the continued pursuit of

higher density development and a significant expansion of the population of the town, it is recognised that the achievement of the construction of these new links will be reliant on the development of lands abutting the road alignments being pursued. It is the controlled phasing of development that will ensure appropriate implementation and deliverance of this important and necessary infrastructure as the expansion of the town proceeds. Clearly, the established road network within the town is somewhat deficient to meet current needs and requires significant upgrading to address any potential significant future expansion, such as the upgrading of the junction of the R763 and the R764, expansion of the footpath network, etc., as well as new road links. It is accepted that the proposed development in itself cannot address all deficiencies necessary to attain a desired road network. It is, however, recognised that, in the pursuit of significant expansion of the population base of the town, the road upgrade and new link would contribute to the improved quality of the road infrastructure for the town.

6.7 The Impact of Surface Water Provisions

6.7.1 With regard to the proposals for surface water management, I note firstly that the drainage system would be installed as part of the construction process, the tanks would be located underground and the area would then be landscaped at this location. I do not foresee this being a significant intrusion on the amenity of nearby residents once the construction process is complete. Furthermore, I understand the rationale for the design of the system is to discharge runoff through smaller numerous catchments and I further acknowledge the difficulties and undesirability of channelling all surface waters towards the south of the site. The principle of this approach is accepted in the interest of minimising potential impacts on receiving waters in the vicinity via a single discharge point. Finally, I note that, while it is proposed to realign an existing roadside ditch to accommodate a new roundabout junction on the R764, the applicant has submitted that the ditch would not be culverted. The visual character of the area would not be significantly altered as a result in my opinion.

6.8 Appropriate Assessment

- 6.8.1 I note that the nearest European site is The Murrough Wetlands Special Area of Conservation (Site Code: 002249). This is a coastal wetland complex north of Wicklow Town and its nearest section to the proposed site is some 5km away. The sole link to this SAC in the vicinity of the site is via the River Vartry which lies to the south of the site beyond the R763, properties and land. I submit that the attenuation, treatment and disposal of foul and surface waters leaving this site would not result in any known deleterious impact on the qualifying interests of the distant coastal Natura 2000 site. The separation distance, short-term nature, and application of common construction management provisions should ensure there would be no likelihood of any impacts on the distant conservation site. I know of no other developments in the vicinity of this site that would give rise to any significant cumulative impacts.
- 6.8.2 It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on The Murrough Wetlands SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

7.0 **RECOMMENDATION**

It is recommended that permission is refused for the following reasons and considerations:

Reasons and Considerations

1. Having regard to:
 - (a) The principles of sustainable provision of housing in urban areas set out in the *National Spatial Strategy*, including ensuring that new housing development in or at the edges of small towns is of a quality of design, character, scale and layout that is well related to the character and form of the small town at its particular stage of development, as well as concentrating development in locations

where it is possible to integrate employment, community services, retailing and public transport;

- (b) The provisions of the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022* that require towns in the lower tiers to grow at a sustainable scale in line with natural increase, growth in economic activity in the area and the quality and capacity of public transport available to existing and future populations;
- (c) The key strategic goals of the *Wicklow County Development Plan 2010-2016*, which include integration of land use planning with transportation planning, with the dual aim of reducing the distance that people need to travel to work, shops, schools and places of recreation and social interaction, and facilitating the delivery of improved public transport;
- (d) The provisions of *Smarter Travel – A Sustainable Transport Future* which seek greater integration between spatial planning and transport policy and to reduce car-based commuting, maximising transport efficiency, and improving transport accessibility; and
- (e) The provisions of *Transportation Strategy for the Greater Dublin Area 2016-2035* which acknowledges the legacy of car-based peripheral expansion in the Greater Dublin Area, the significant decline in the level of service of the M50 on the southern approach to the city, and the increasing congestion of the N11/M11 route, encourages land use policies which support the provision of development in locations and at densities which enable the efficient provision of public transport services, and includes a Strategic Planning Principle that residential development located proximate to high capacity public transport be prioritised over development in less accessible locations in the Greater Dublin Area,

it is considered that the proposed development:

- would constitute a development in excess of the development needs of Ashford that is isolated from basic public transport provision and is located where there is lack of basic social and community infrastructure to facilitate such an expansion of the town,
- is of an excessive scale, form and layout that fails to allow a balanced growth of this small settlement,

- would facilitate the continuance of an unacceptably high dependence on car-based travel to the city,
- would be premature in terms of the sustainable development of the Greater Dublin Area,
- would conflict with the principles of sustainable provision of housing in urban areas as set out in the *National Spatial Strategy*,
- would be contrary to the settlement strategy espoused by the Regional Planning Guidelines, and
- would conflict with the provisions of the Wicklow County Development Plan which recognises that the level of commuting in the county is unsustainable and seeks the reduction in the need to travel long distances by private car.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

(a) the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, wherein the impact of rapid development and expansion on the character of smaller towns through poor design is acknowledged and, in particular, the impact of large housing estates with a standardised design approach on the character of such towns and villages that have developed slowly and organically over time, and

(b) the supporting *Urban Design Manual: A Best Practice Guide*, which espouses a range of development design criteria for residential development in urban areas,

it is considered that the scale, form and density of the proposed development fails to permit balanced and orderly development of the small settlement of Ashford, which is isolated from employment centres and public transport options, the design responds poorly to its surroundings, and the scheme has a low degree of connectivity to the established neighbourhood and the town centre. It is, thereby, considered that the proposed development would conflict

with the Guidance provisions and would be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

September, 2016.