



An
Bord
Pleanála

Inspector's Report

PL 27.249039

Development	Construct 132 houses, crèche, redevelop the existing playing pitch, vehicle and pedestrian access and all ancillary works.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/1301.
Applicant	Townparks Estates Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Appellant	1.Tom and Irene Clarke 2.Peter Greene 3. Delgany Residents Association. 4.Michael Gibbons. 5. Townparks Estates Ltd
Observer	None.
Date of Site Inspection	1 st November and 14 th November 2017
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is located to the north-east of Delgany village and south of the built up area of Greystones. It is an elevated and backland site, which is bounded to the north by a football pitch and to the north-west by a small clubhouse (football club) and St Laurence's national school. To the north-east and within the site boundary is a wooded area, which may have formerly been a sand quarry and to the east is Bellevue Heights and Crowe Abbey cottages at Kindlestown Road (R761). To the south is Delgany Glen and to the south-west is Cherry Glade, both of which are access through Delgany Woods estate.
- 1.2. The main body of the site is in a slightly overgrown condition but is largely grass covered. To the west are 2 separate properties. One is Kindlestown House, which is a protected structure, which is centrally positioned within a site with mature trees. The other property, to the south of Kindlestown House has a couple of derelict buildings. The latter has frontage onto The Boulders, which is a small cul de sac of houses on large plots. Kindlestown House has its entrance at Church Road close to St Lawrence's school.
- 1.3. The site is of stated area of 9.27 ha. the stated area of the site intended for residential use is approximately 5.7 ha. The site defined includes playing fields at the northern end of the site, which is stated to be 1.8 ha. The area of woodland in the north-eastern corner is stated to be 0.8 ha. There is also a strip of land to the south of the school between Convent / Chapel Road at the west and the remainder of the site.
- 1.4. The frontage at Chapel Road is one of a number of locations where the site adjoins public road. At the south the site adjoins an existing residential cul-de-sac at Delgany Glen, which road has been taken in charge by Wicklow County Council. A map submitted with the application indicates that the northern part of the site which is to be developed as open space and active recreation facilities is in the ownership of Wicklow County Council, and the consent to the making of the application has been given. The playing fields also abut established housing areas such as Kenmare Heights, which are likely to be in the charge of the Council. At present there is a vehicular access onto the Convent / Chapel Road frontage of the site only. At that

location there is a car park associated with the national school. There is a very spacious footpath to the North of the playing fields – this may provide occasional access to the pitch/clubhouse but is best described as a pedestrian route. This connects the school to Bellevue Heights.

- 1.5. The site contains a number of noteworthy features. The steep topography is particularly evident in a number of locations especially in the south-western corner of the site and the southern end of the site where it adjoins residential property at Cherry Glade and Delgany Glen. The land to the rear of Cherry Glade is especially steep – I refer to a strip of about 10m which slopes very sharply towards the rear of those houses. There is a significant level difference at other locations notably between the site and the houses to the east at Bellevue Heights / Kindlestown Road.
- 1.6. Woodland boundaries present in the northern half of the site include a row of trees at the eastern boundary which are protected. These are Scots Pine trees, some of which appear to be located in the rear gardens of houses of Bellevue heights. The boundary between the site and Bellevue heights is primarily defined by a palisade fence. At the southern end of the site the rear of the houses at Delgany Glen are primarily marked by block walls. The main boundary definition at the rear of houses at Cherry Glade is concrete post and timber panel fencing.
- 1.7. A substantial part of the site adjacent to Cherry Glen is marked with earthen ridges, which are typically about 0.66 m high. These are clearly visible on aerial photography images such as Google maps. In this part of the site also I noted some large burrows (c 0.3m openings) and recently scraped areas obviously caused by mammals digging.
- 1.8. I made 2 separate inspections of the site. The 1st inspection took place during mid-term break. The 2nd visit was an early morning inspection to establish the extent of congestion in the area in the morning peak period. I will describe this further at a later stage. At this time I refer the Board only to the location of St Lawrence school at Chapel Road and to the emerging residential development at Blacklion where there are also located 3 no. schools and some retail development including Lidl.
- 1.9. Photographs of the site and surrounding areas which were taken at the time of my inspection are attached.

2.0 Proposed Development

2.1. Original submission

2.2. The proposed development as presented in the application drawings received on 24th of November 2017 provides for:

- 132 houses with a gross floor area of residential development of 15,449 m²
- a crèche of stated floor area of 342 m²
- a total provision of 340 car parking spaces to provide for two spaces per dwelling unit, 4no. number of visitor car parking spaces and 72 number spaces for the school and childcare facility
- development of playing pitches.

2.3. The development is described in a range of reports which include

- planning report
- architectural planning drawings and schedules
- visuals of the proposed development
- infrastructure design report and traffic and transport assessment report
- Road engineering drawings
- appropriate assessment screening report
- landscape drawings
- arboriculture report and tree constraints and protection plan.

2.4. The application submission was also accompanied by a preliminary agreement on social housing, a letter of consent from WCC and from St Laurence's national school and a letter of consent regarding works proposed along Delgany Glen¹.

¹ The process of taking the development in charge appears to have been nearing completion at the time of making of the application and the developer of Delgany Glenn, Altara made submissions.

2.5. Revised proposal

2.6. The applicant's response to a request for further information was received on 21st of June 2017² and supplemented by a further submission of revised public notices received on 29th of June 2017.

2.7. The **significant alterations** incorporated include:

- a reduction in the number of units to 129, relocation of crèche, revised car park layout and increase in spaces to 90 spaces, plus 15 set down spaces
- realignment of the green route, adjustments to enhancement works at Chapel Road, additional 5 no. set down spaces in front of school on Chapel Road, amendments and revisions to road and pedestrian / cycle connection
- extension of tree-lined boulevard concept to enhance character, variation in materials, colour and landscaping to enhance character of housing clusters, use of book-end three-storey detached houses, use of more active elevations to end house types to improve passive surveillance particularly overlooking of the open space in the south-east corner of the site
- amendments to bungalow house type DI along the southern boundary, modification of finished floor levels where necessary in particular close to site boundaries with Delgany Glen and Cherry Glade,
- landscape design of a terraced focal space to west of Road One and central open spaces, amended phasing and part V proposal.

2.8. The **further information submission** included the following documents:

- a further information report
- drawings and schedules including a phasing plan and design statement prepared by PD Lane architects
- TTA addendum report
- environmental infrastructure drawings and cover letter
- landscape master plan and details

² The drawings were incorrectly dated by Wicklow County Council and that date is the one shown on the file pouches.

- lighting report
- details of legal agreement in respect of lands at Delgany Glen
- correspondence from the housing department of Wicklow County Council in respect of part V.

Salient points from the further information planning report include:

- Drawing 142111 – 2000 Rev. A illustrates the proposed works to be completed at Chapel Road by opening year 2019 to improve access and parking associated with the existing school.
- No vehicular access between the residential lands and the proposed car park area at Chapel Road is proposed at this time.
- Appendix A of TTA addendum report provides 2024 drawings that illustrate further amendments to the proposed layout that would occur in tandem with any future improvement works to Chapel Road to be undertaken by or on behalf of the local authority outside the red line boundary as part of objective R03 to include the connection of the vehicle access road to facilitate the 2no. vehicle access points i.e. by way of Delgany Glen and Chapel Road.
- Revised phasing plan is shown on drawing W-73-50 Rev A which include 60 no. units in phase 1 with access by way of the improved Delgany Glen access road and green route facility as well as completion of the community/sports facilities and open space enhancement.
- Phase 2 comprising 23 no. units plus the crèche to be occupied subject to agreement of the planning authority that adequate improvements to the Delgany Glen access road and perhaps also to Chapel Road have been or will be imminently completed.
- Phase 3 to involve further improvement works to Chapel Road as outlined 'to have been programmed' before construction of phase 3 (46 units) may commence and occupation of the phase 3 units to be at the planning authority's discretion that sufficient additional road improvement works to Chapel Road have been completed or are scheduled for completion.

- The phasing seeks to deliver the units in a fair and timely manner to address housing demand and to fund the upfront delivery of the range of physical and community infrastructure identified in the AP5 objectives.
- A range of conditions in relation to phasing are suggested.
- The additional traffic movements in the local road network resulting from the proposed development requires further improvements in the vicinity of Chapel Road which are over and above the anticipated roads projects R02 and R03 and accounted for in the adopted contribution scheme and through consultation with the planning authority it has been further clarified that special contributions will assist in the delivery of the Chapel Road relief scheme R03, which will incorporate a number of key elements which are listed.
- It has been demonstrated that there is more than sufficient capacity in the local road network to support vehicular access to and from phase 1 of the proposed development by way of Delgany Glen.
- The applicant proposes to pay a special development contribution in respect of phase 3 (46 number housing units) and calculates the amount of the special contribution accordingly based on €4615 for the first 100 m² and €40/m² thereafter – total sum of €257,271.20 which amount is stated to be reasonable and proportionate having regard to the considerable community, recreational and infrastructural gains to be delivered in the case of the proposed development and in terms of the phasing plan.
- As outlined above under the phasing section of this response, the proposed development is to be initially accessed by way of Delgany Glen, without any significant adverse impact on local road capacity, and the occupation of units phased with the completion of the community facilities and environmental improvement works required by the AP5 objectives. This will include a road programme at Chapel Road to be delivered by the applicant in the opening year (2019) that will improve vehicle access and parking for St Laurence School. Phase 3 would not be permitted to be developed until the planning

authority is satisfied that sufficient progress has been scheduled to take place on the further planned improvements to Chapel Road.

- The recommendations of the road safety audit are incorporated in the proposed new access arrangements to the school and the revised layout is shown on 142111 – 2000 Rev. A.
- Regarding legal entitlement to carry out the necessary works in Delgany Glen this is now confirmed – the works do not encroach on the usable public open space but on the verge and mature trees will be planted in lieu of any trees lost – vehicle parking bays along the route have been omitted in line with the recommendations of the area engineer.
- Regarding compliance with the Sustainable Residential Development in Urban Areas and the associated design manual the applicant provides a response to the 12 design criteria for residential development.
- Regarding adjoining properties modifications are incorporated in the revised submission which address house types and finished floor levels and which incorporate repositioning of some houses – it is also noted that the ridge heights of the proposed houses are lower than the ridge heights of the neighbouring existing houses and that planting is proposed.
- Regarding cut and fill the responding letter describes revisions to omit a number of dwellings and to adjust gradients particularly in the rear gardens of dwellings on roads 3 and 8 along the western edge of the site and we submit that the proposed development responds as best as possible to existing topography and seeks to strike an appropriate balance between achieving appropriate road gradients throughout the site, avoiding dominance and overlooking and minimising cut and fill.
- The revised phasing plan incorporates the active open space under phase 1.
- The enclosed TTA addendum report and further submissions respond to the items raised by the municipal district engineer (item 10) which are considered under the headings of traffic and transport assessment report, development road layout, school access road, car park and Chapel Road.

- Separately there are responses to issues raised relating to surface water drainage, water supply, public lighting and landscaping.
- Appendix A provides a summary compliance with AP5 objectives.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to conditions including:

- Condition 1(b) states that the permission relates only to:
 - construction of 47 no. dwelling units comprising units 1 – 11 on road 5, units 1 – 23 on road 6 and units 27 – 39 road 1
 - purpose-built crèche
 - development of lands at the northern end of the site zoned for active open space and public open space including playing pitches, all-weather pitch, mixed-use games area and passive open space area
 - surface car park and set down area to serve school and adjacent community facilities
 - vehicular access through the site via Road 1 from Delgany Glen to Chapel Road with associated road improvement works
 - section of the green route, pedestrian and bicycle route from the junction with Chapel Road to its connection with road 1 and from Delgany Glen to the junction with Road 1 to the east the of road 5
 - pedestrian access to the south-east of the site to facilitate link to R761.
- Condition 1(c) - development of the remainder of the action area lands (AP 5 Killen action plan) including the remaining section of the green route shall be subject to a separate grant of permission.
- Condition 5 - submit for written agreement of planning authority revised landscaping to comply with requirements of condition 5 to include extension of

road 1 to facilitate delivery of a through road, redesign of road 1 in conjunction with Chapel Road in accordance with items specified, revised house plans for unit 14 on road 6 to provide a dual fronted house and revise site layout plan detailing the extent of development permitted as set out under above condition and compliance with these requirements³ .

- Condition 8(a) relates to works which shall be completed prior to occupation of any residential unit to include 50% of the area of active and public open space at the northern end of the development including the area of passive open space at the north-east corner and the junior pitch/MUGA, the surface car park and set down area to serve the school and community facilities, the approved section of the green route pedestrian and cycle route and the pedestrian access to the south-east of the site to facilitate the link to the R761.
- Condition 8(b) states that prior to occupation of more than 30 Dwellings Road 1 shall be completed from Delgany Glen to Chapel Road in accordance with the requirements of condition 6 (sic).
- Condition 8 refers to no development commencing until the phasing for the development has been agreed in writing - this shall include details of the construction of the dwellings, areas of public open space, estate roads and footpaths, public lighting, landscaping and shall comply with the requirements in conditions 8(a) and (b).
- Condition 9 states that no development shall commence until contribution/submission/agreements required by conditions 2, 3, 4, 5, 6, 7, 8, 11, 12, 14 and 16 have been submitted to and agreed acceptable by the planning authority in writing – all of the details shall be submitted as a single compliance.
- Condition 10 refers to obtaining written of agreement of Irish Water for the provision of water services necessary to serve the development and verifies

³ This condition erroneously refers to conditions 6(a), (b) and (c) - I consider it should properly be interpreted as relating to condition 5(a), (b) and (c). An error in condition 8 follows.

that there is no commitment arising from this permission relating to the provision of water services by Wicklow County Council.

- Condition 13 relates to the manner of landscaping including depth of vegetative soil, planting with grass, establishment of dense ground cover in areas of steep embankment, use of temporary fencing, dedication of open space to use of residents including a deed of dedication which shall be sealed and signed.
- Condition 14 relates to details of all retaining walls or structures above 1.5 m in height and all boundary treatments to the front, side and rear of all dwelling houses and to the retention and reinforcement of existing planting along the site boundaries.
- Condition 17 states that prior to the opening of the vehicular access road to traffic a Stage III Road Safety Audit shall be submitted.
- Other standard conditions including in relation to lighting, construction management plan, surface water drainage, external finishes to be agreed, site landscaping completion standard of roads, details of tree planting and related matters, estate numbering, undergrounding of cables, archaeology.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The report dated 24th July 2017 of the Executive Planner considers the application submission and the response to the request for further information and recommended refusal for reasons, which may be summarised as follows:

- Due to the location, nature and scale of the proposed development, the phasing programme, which will result in excessive number of residential units with access by way of Delgany Glen for an unspecified period of time and deficiencies in the local road network and lack of adequate proposals to address these deficiencies, proposal would be premature pending upgrade of Chapel Road in accordance with roads objectives of the local area plan 2013 and to permit the development in the absence of necessary improvements

would have potential to seriously injure the residential amenities of Delgany Glen.

- Having regard to site contours, level of cut and fill, lack of details in the plans and sections and impact of same on the provision of adequate private and public open spaces in terms of gradient and usability, layout in terms of location of public open space and lack of passive surveillance, excessive and unnecessary linear form of development, location of proposed crèche and removal of pedestrian link between the development and the existing laneway to the south-east onto the R761, applicants have failed to demonstrate that the proposed development in terms of design and layout would provide for an adequate degree of residential amenity for future of particularly in terms of private and public open space provision.

3.2.3. The report of the Senior Engineer (Planning) noted and agreed with the overall thrust of the above recommendation. He referenced the overly linear nature of the design, the poorly designed junctions and traffic measures, poorly located and overlooked open space, insufficiency of information in relation to ground levels and retaining structures and house design. The location of the crèche is reasonable although it would be better beside the set down area/car park. The phasing in the absence of the link to Chapel Road is of concern and would not be acceptable.

3.2.4. However, referencing the zoning, the location in a major urban growth area, the housing shortage, the acceptability of parts of the development in terms of the layout and design, the infrastructure proposed as part of the development, which would achieve the stated objectives in the LAP and the advanced stage of progress towards upgrading Chapel Lane with design/plans being actively progressed, a partial grant of permission would be appropriate. That should include those parts of the development that are of acceptable design and layout, together with a drop off/car park area, the crèche, the active open space lands, the through road i.e. road 1 and other ancillary works.

3.2.5. The original report of the Assistant Planner dated 24th of January 2017 recommended refusal for reasons related to prematurity pending upgrade of Chapel Road, sub-standard amenity for future occupants, inadequate documentation regarding easements and obstruction of road users related to crèche. The Senior

Engineer (Planning) agreed with the majority of these reasons and also consider that the overall design and layout of the set down area and the road and roundabout is questionable in terms of safe operation and that a Road Safety Audit was required. Having regard to the need for housing in the county, the zoning of the site, the provision of an upgraded active open space and the location of the lands close to Greystones and Delgany centre further information was recommended.

3.2.6. **Selected Technical Reports**

Greystones Municipal Engineer report dated 21 July 2017 states in relation to the further information submission:

- Revised layout in relation to location of school car park is much improved.
- Roundabout is undesirable taking into account the future developable lands to the south of St Laurence School.
- A single improved junction at the existing bend in the road to serve both development areas would be the ideal roads objective. Any proposal for a new junction on to Chapel Road that does not also cater for the other lands is premature and undesirable.
- Chapel Road requires substantial upgrade and any proposals to provide a connection for this housing development is premature pending provision of the realigned Chapel Road.
- Section 2.2.7 of the TTA Addendum report is misleading and this office did not state that the provision of special contributions will assist in the delivery of the relief road – the matter of development contributions is not a matter for this office and any such contributions would go into the Scheme from which the road would be at least part funded.
- 3.1 of the safety audit recommends introduction of further speed ramps, which should be used only as a last resort and such a measure is only necessary due to the proposed roundabout.
- A new junction arrangement at the bend would not require ramps to be introduced as there would be adequate forward visibility and adequate safe stopping distances.

- Item 3.3 is irrelevant as there has been a flashing amber school head warning sign installed.
- A more suitable location for the crèche could be adjacent to the existing community centre to the east of St Laurence School, which lands are in the ownership of WCC and St Laurence School and are not in use.
- The proposed development does not provide for any use of this land which will remain a waste overgrown area.
- The response to further information item 4 is acceptable subject to detail.
- Regarding further information item 5 the internal road layout along road one from house 17 to 26 is poorly designed – the TMG show that chicanes should be either single way or two-way depending on traffic volumes and the layout which shows both single way and two-way chicanes is not in accordance with TMG.
- Road width of 2.75 m at the pinch point is too narrow and less than the required 3.7 m under building regulations technical guidance document B – fire safety to allow for fire service vehicles.
- It would be preferable if the footpath and cycle track along road one to front of house numbers 32 to 43 was adjacent to the road carriageway and thus provide more green open space to the active area.
- The response to further information item 10 is acceptable apart from the comment that the future internal connector road to be constructed with phase 3 of the development and connecting the development to Chapel Road would require a separate permission.
- This may lead to a scenario where the full development was constructed but the proposed road connector was not – as per the provisions of the LAP only a limited number of units should be allowed to be accessed by way of Delgany Glen.

3.2.7. Greystones Municipal Engineer in a report dated 13th of January 2017 states that the development is premature pending the outcome of the options report and subsequent preliminary designs for the chosen option, which are currently being

prepared for WCC and which are assessing Chapel Road with regards to RO2 and RO3 and the proposed junction onto Chapel Road i.e. the roundabout may not be in keeping with the overall desired design for Chapel Road. There may be scope to grant permission for phase 1 providing access only from Delgany Glen. Phase 2 could be applied for at a later date pending completion of designs for Chapel Road. Further comments in relation to surface water drainage, water supply and the traffic and transport assessment report.

- 3.2.8. The report of dated 19th of January 2017 of the Executive Engineer Transportation and Roads Infrastructure states that the proposal is premature as it is dependent on road widening and improvement works on Chapel Road in relation to which no decision has been made.

3.3. **Prescribed Bodies**

DAHRRGA

Heritage report states that the proposed development should not have a negative impact on any surrounding European sites subject to best practice regarding surface and foul water management. Mature trees on site should be retained where possible and should not be lit at any stage.

Archaeology report – impact assessment required by further information and prior to consent.

Irish Water report of 18th January 2017 requests revised drainage arrangement. Report of 29th of June 2017 indicates no objections subject to a standard condition.

3.4. **Third Party Submissions**

- 3.5. Submissions to the planning authority **responding to the further information** include the following points:

3.5.1. Traffic and transport - general

- Plans for access should logically be directed from a main road capable of handling such traffic without congestion - additional housing is required but it should not be to the detriment of existing house owners and should not be

rushed and based on flawed planning on unsuitable sites without the required infrastructure in place to support it.

- The plan of the applicant to connect their development with Delgany Glen by way of a road, which would then connect to Chapel Road at St Laurence's school would attract traffic going to Temple Carrick secondary School, Greystones educate together school and the Gaelscoil on Blacklion Manor and the new development Seagreen.
- Improvements to the road linking Delgany Village to Blacklion should be made before any further housing is seriously considered. Query regarding the timeframe for the proposed Delgany to Blacklion Road.
- The traffic which will be generated by the development is underestimated as motorists will avoid use of Chapel Road due to congestion and will avoid the circuitous route past Tescos and the associated sets of traffic lights.

3.5.2. Traffic and transport – Delgany Glen

- Very disappointed to see that the revised proposal now amended provides all access to all traffic for the new development in phases one and two by way of Delgany Glen.
- Delgany Glen was not designed to be part of the link road connecting Delgany Wood Road to Convent Road and this is objectionable. Delgany Glen is completely inappropriate for such a large number of houses, crèche, sporting grounds and school traffic.
- The junction of Delgany Glen with Delgany Woods is a matter of concern and is unsafe. It is an already congested and dangerous T-junction the acute angle of which already causes issues and it will not sustain the volume of traffic.
- Most cars will make a right turn onto Delgany Wood road to head towards the N11 through Delgany Village, which already has a lot of traffic. Likely to be tailbacks and accidents as a result.
- Only by living in Delgany Glen does one realise that we are presently at full capacity. The cul de sac road is used for overflow parking as each house has

only one parking space and therefore there are always cars parked on both sides. It is only a matter of time before there is an accident and multiplying the traffic to Delgany Glen brings this tragic scenario even closer.

- The reduction in road width to 5.5 m to accommodate a cycle lane seems ridiculous.
- Not practical for construction traffic to pass through Delgany Glen.
- Chapel Road has less residential development and some of it is gated and it is more suitable route for traffic.
- Connection to Chapel Road is unacceptable.

3.5.3. Traffic – critique of assessment and matters related to phasing

- The traffic figures assume that users of the crèche will come from within the estate – this will not be true once the estate matures.
- There is little mention of the additional traffic related to the upgraded sports facilities.
- The applicant's submissions and the use of the words 'may' and 'perhaps' are of concern.
- Revised plans provide ambiguous information regarding the phasing of the development.
- Phase 3 appears to be dependent on the connection with Chapel Road, which is not included in this application and phase 3 should be immediately refused until it forms part of the new application.
- The houses are likely to be sold off the plans and once built there would be huge pressure for occupation regardless of the completion of the road or the crèche.
- Either the future connection at St Laurence's is included, or phase 3 should be removed from the application.

3.5.4. Development plan

- Delgany Glen and the amenity enjoyed by residents would be reduced to an unacceptable degree and therefore it violates the development plan objective under the Wicklow County development plan 2016 – 2022.
- Increase traffic related to the sports facilities, the school, the crèche and the additional 129 dwellinghouses contradicts the objectives for AP5 to allow only limited access by way of Delgany Glen.
- It is the intent now that phases 1 and 2 will exit solely through Delgany Glen with additional access by Chapel Road only likely in phase 3 and to require separate permission.
- The local area plan requires an even spread of traffic, which is not achieved.
- The County development plan objective HD2 is undermined by the proposed development.
- 2006 local area plan - no provision for a through road through Delgany Glen only a limited access to a new development – if there was a change to this plan, residents were not informed.

3.5.5. Residential amenity

- Many residents have lived in Delgany Glen for 10 years or more and we are an active community with summer parties on the green. The green is especially important as our gardens are small.
- Adverse impact on residential amenities, children at play, on pets and on our community at Delgany Glen, which is not an access road but is a community of 43 homes.
- We purchased our house for a number of reasons all of which would be undermined by the proposed development and our safe and close knit community and property values will be negatively affected.
- Constant noise and traffic at weekends related to sports facilities.
- The proposed development proclaims it will have a 'cul-de-sac and human scale design' but this is that the cost of totally decimating the existing Delgany Glen cul-de-sac.

- Delgany Glen should not be reduced to a through road and we are not an access road but a community and a group of families.
- Construction phase noise and traffic is likely to affect us for years and the increased pollution may lead to ill health for some and to increased respiratory problems.
- Residents have a feeling of security at present due to the current layout of the estate and this will be eroded by the provision of the additional dwellings accessed through our estate.
- Satisfied about the removal of the pedestrian/cycle route to the existing laneway extending to the public road (R761). Lane should be closed off entirely from the site and the proposed path to the existing laneway should be removed as if left open the laneway would become even more of an attractive loitering location for antisocial behaviour.
- Requests detail on the revised plan for this south-eastern corner of the site in particular is there a boundary wall, what is the height of it and would it be dark at night?

3.5.6. Overlooking / overshadowing

- Regarding the position of the development behind 29 Delgany Glen there is no concession to my privacy and the developer has not provided an overlooking analysis or an overshadowing analysis - completely overlooked and my light is completely affected
- Similar comments from other residents of Cherry Glade and Delgany Glen including in relation to removal of views to sky.

3.5.7. Natural Heritage and related

- Site has become a nature park for a huge range of birds and wildlife and this needs to be protected. Need for a town park in Greystones.
- Submission of the Department of Arts and Heritage dated 11th of January 2017 clearly states that the heritage of the area is of great interest.

- Ecological consultant should have been employed to write an ecological assessment on the biodiversity of these lands.
- Arborists report does not include climbing inspections and below ground investigations which were required to give proper account of the terrain - application 953116 was refused permission including for reasons of endangerment of trees and other similar reasons which are relevant to the current application.
- Scott Cawley report mentions protected wildlife near the site including particular bird species red throated diver, black headed goal and Herring Gull which need to be protected.
- Scott Cawley report mentions that three bat species have been detected in the area – the report is insufficient as it gives no information on the wildlife that have habitats on these lands and it is imperative that an ecological assessment is undertaken to deliver this information – including surveys for bat and badger.
- Scott Cawley report notes eight kinds of rare birds which have habitats within 3.7 km of the site and an independent report needs to be done to analyse if there is evidence that these birds and their habitats are present on these lands.

3.5.8. Design and Layout

- Greystones is becoming a destination for visitors and tourists and should be sustainably developed.
- The request by the Council that the layout and design have a greater variety has not been adhered to in the revised plans make no concession to requests to address the detached nature of open spaces.
- Inadequate open space - report of Stephen Little and associates paragraph 8.3.2.3 exaggerates the amount of space.
- From examining an aerial plan, you can see that the area around the proposed site is a mire of housing and roads and there is no green open space.

- This type of development would be more suitably located at Charlesland where there is the infrastructure, cycle lanes and dual carriageway is already in place and large green areas.

3.5.9. Other matters

- Concerns relating to flow of water down to our estate on lower ground.
- Concerns relating to the boundary wall including at the rear of 23 Delgany Glen being affected during building and thereafter. Require written confirmation that a proper assessment has been undertaken of the wall around our rear garden.
- Elevated site - some houses may be affected by land subsidence, severe flooding and blocking of drains as well as damage to gardens and back walls.
- Additional pressure on the drainage system would increase the threat of flooding to properties.
- A query regarding number of social housing units and their location.
- Failure to consult with residents.
- Queries relating to the capacity of the treatment plant that will cater for the foul water from the development.
- EIS should have been carried out and the Council should have insisted on this during its pre-development meetings.
- There were issues in relation to retaining the site notice on site.

3.6. Written observations to the planning authority **responding to the original application submissions** include many of the items listed above. In addition, I note:

- Proposal is described as a high-density development, which is almost lacking open space.
- Described as materially contravening the local area plan. County manager/director of services is not legally empowered to grant permission for this development without to the appropriate procedure for material contravention of the development plan.

- Bellevue Residents Association requested that the developers be required to install opaque fencing and shrubs along the eastern edge of the development as part of the linear area of open space to reduce overlooking.
- Should be dependent on the improvement of Chapel Road along its length in relation to which the developer must contribute towards the improvement of the local road so that can be widened to time with construction.
- A number of residents of Cherry Glade reference the need for a block wall adjacent Road 1 houses and for measures to address overlooking.
- Problem with drainage in Cherry Glade and the green adjacent to number 18 floods at every heavy rainfall a problem which has not responded to digging drainage trenches and our garden is also generally wet.
- Cllr Mitchell refers to upgrading of the Delgany to Black Lion Road, which has been an objective since 1989 – the middle section of the road is very narrow and people frequently have to leave the footpath to pass and wing mirrors of cars on the road affect children who are on the narrow path – even though it is dangerous the Council has no plans and the 3 year capital investment plan does not even provide funds to design the road – no further permission should be granted in this general area until this road is built as it will add to danger.
- A number of residents (including from Boulders, Crowe Abbey Cottages and Delgany Glen) object to the proposed pathway across the site including for reason that it would meet the R761 at a dangerous location and for reason of land ownership and lack of consent and related issues.
- An action area plan is required and in the absence of same we are deprived of an opportunity to make views known.
- Masterplan with focus on access strategy is required.
- Deficiency in public open space as a minimum requirement of 15% of the total site area is not achieved – 1.395 ha would be required for the site of 9.3 ha but the amount of proximal open space provided is 1.196 ha.

- Open space is proximal and does not support active participation and it should be generally centralised with areas to promote active participation and to be not less than 400 m².
- Development is premature due to deficiencies in the local area and road infrastructure.

4.0 Planning History

- 4.1. Under PL27.100421 the Board upheld a decision of Wicklow Council to grant permission for a development of 56 houses at Killincarrig (Delgany Glen). The conditions included a widening of the road fronting houses 1-18 from 5.5m to 7m wide carriageway in order to facilitate development of lands to the north.
- 4.2. The full file is not available to me at the time of writing. However, the principle of access, which is the matter of relevance to the current appeal does not require any further information. It is clearly established in this decision. I attach for the information of the Board the Inspector's report and the order.

5.0 Policy Context

5.1. Development Plan

Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022

Greystones-Delgany is designated as a Large Growth Town II within the Dublin Metropolitan Area, which has a target population of 24,000 by 2022.

Wicklow Co Council Development Plan 2016 – 2022

The settlement strategy for Greystones-Delgany is to accommodate a high level of housing growth with a view to securing the target population. Table 2.4 sets out a population target for Greystones-Delgany for 2022 of 21,603, reaching 24,000 in 2028. Table 2.8 refers to the shortfall of housing units in the amount of 1,267 units. This will be addressed in the future LAP. The plan identifies infrastructural improvements which are required including in the rail and national road network to support this growth. It is an objective to prepare new plans for Greystones-Delgany

and Kilcoole during the lifetime of the County Development Plan. Blacklion is defined as a level IV neighbourhood centre in Greystones. It is noted that the retail catchment of Greystones extends to Kilcoole, Newcastle and Newtownmountkennedy.

Kindlestown House is a protected structure.

Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019

The overall vision is that the area will develop in a mutually dependent and complimentary manner while each settlement shall have a distinct identity and provide for the service and social infrastructure needs of its residents and local hinterland.

AP5:Killincarrig Action Plan - an action plan is proposed for an 11.5 ha site including residential development at reasonably high densities and to include:

- a new car park at St Laurence School of at least 60 spaces
- sports and recreational facilities, which shall be available for use by the general public
- provision of green routes across the site
- protection of mature Scots pine
- access to a limited number of units by way of Delgany Glen and access to remainder to be from the Delgany – Blacklion Road with a new junction at St Laurence’s school.

A number of roads objectives relate to the immediate vicinity of the site.

5.2. Natural Heritage Designations

None related to or in immediate vicinity of site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Tom and Irene Clarke

6.1.2. Objection to use of the laneway and provision of an access to Kindlestown Road Lower. Lane has not been used except by us and Greene family since 1989. Council has not maintained. We have gates across the laneway. Proposed pathway would come onto a dangerous corner, which has become even more complex with the increased traffic and cyclists. Long standing objective to upgrade road at that junction. Maintenance proposals are unclear. Potential for antisocial behaviour.

6.1.3. **Peter Greene**

6.1.4. Long term maintenance of the laneway without assistance from Council. Two locked gates to which I am key-holder. Had to erect steel gate due to anti-social behaviour.

6.1.5. **Delgany Glen Residents' Association**

6.1.6. The main points of the appeal include:

- Our small cul-de-sac development provides a pleasant environment for residents and in particular for children who play daily in the green as our gardens are small.
- Legitimate expectation that cul-de-sac would remain more or less.
- No policy objective to create a through road .
- Development is required to comply with an approved action area .
- Consideration of the application by the planning authority includes recommendation to refuse permission on 24th January 2017 for 5 reason and a recommendation by the Municipal Engineer to refuse permission because it was premature pending the outcome of an options report and design of improvements to Chapel Road under objectives RO2 and RO3.
- Revised submissions subject of recommendations to refuse including by the Municipal Engineer who considered that the location of the proposed roundabout is not desirable taking into consideration the future development lands to the south of St Lawrence school.
- Permission should be refused for reasons related to contravention of the development plan, injury to residential amenities, traffic hazard.

- Officials of the council must not materially contravene the development plan.
- Materially contravenes the 2013 LAP which requires access only for 'is a limited number of units' and in this regard condition 5(B) and 8(B) refer
- 7.3 m wide road in the absence of traffic calming will result in traffic hazard.
- Width of this road also will facilitate vehicles travelling to the school to park along the spine which will further impact on traffic safety.
- Only one on-site parking space and the overflow parking onto the spine road seriously reduces the width, capacity and safety of this road, which matter was not considered in the TTA.
- Delgany Glen would inevitably become an access road to the national school and playing grounds leading to a significant increase in traffic movements and destruction of the child friendly residential ambiance.
- Concern about the impact of the houses on Road 5 (13, 14 and 15) and on road 6 (site 14).
- D1 house types have been repositioned away from the south-eastern boundary of Delgany Glen and finished floor levels have been reduced but concern that building work and excavations may damage existing retaining wall of Delgany Glen house numbers 20 to 30.
- Neither the applicant nor the Council has the legal authority to carry out works in relation to the green route on the public open space.
- Object to construction of the green route at the only public open space which is quite small having regard to the 53 houses it serves.
- Decision provides in phase 1 connection to Chapel/Church road of part of the proposed development contrary to the recommendations of 2 planners and the Municipal Engineer and this decision formalises the through route concept between Delgany Glen and Chapel/Church Road by providing a through route.

6.1.7. First party appeal

6.1.8. The applicant's appeal is against conditions 1 (B) and 1 (C) which relate to the omission of housing units, condition 8 relating to phasing and condition 3 relating to security for completion of development. The appeal submission includes a modified landscape drawing, an addendum to the transport assessment and an archaeological assessment.

6.1.9. The grounds of appeal include:

- Prohibitive nature of certain conditions on the viability of this proposal or any similar development proposal for these lands and thus on the achievement of the Development Plan and the LAP.
- References the extensive preplanning consultation as a result of which we had a certain understanding.
- Planner's report contains a positive assessment of the proposed development in terms of the location of the site, density, design, separation distance and other matters.
- Planning Authority raises no objection to the proposed Delgany Glen entrance and vehicular entrance to the application site by way of Delgany Glen was envisaged at the time that estate was permitted.
- Planner's report does raise a number of design concerns and the request for further information and the ensuing response submitted to the planning authority in June 2017 address the issues.
- Regarding the conditions 1 (B) and 1 (C) which relate to the omission of housing units we would draw attention to the overall assessment of the Senior Planner and Director of Services – we do not consider that any of the specific design concerns raised are material to the permission sought.
- Development as submitted at further information stage with some additional design modifications, which are now presented sustainably address the challenging topography of the site.
- Not reasonable to grant only 47 number residential units to the developer and also require substantial infrastructure and amenity provision for the general benefit of the local community.

- Prepared to deliver upfront all of the additional physical and social infrastructure required by the Action Plan with the 1st 60 number houses and there is capacity at the junction at Delgany Glen to absorb the proposed development and in that context we question the need for any phasing of housing at these lands that would require the omission of 82 units at this time.
- Selected 47 no. units granted is difficult to understand and does not appear to be based on clearly thought through any design rationale.
- Further modifications are now proposed including modifications to detached house type which will further enhance passive surveillance of public open space, modifications to alignment of proposed road 1 along the eastern edge of the site to achieve a less linear building line, pedestrian / cycle track to North of road 1 realigned to enhance open space to North, tree planting and layout to rear gardens particularly at road 2.
- Access to Chapel Road can be controlled if necessary pending wider road improvement works vicinity.
- The only phasing requirement for AP5 lands in the LAP is that the improved educational/community/open space facilities and special contribution to recent existing road improvements be delivered in phase 1 with a maximum of 60 residential units.
- Request the Board to amend the wording of condition 8 - referred to drawing number W – 73 – 50.
- Prepared to deliver the full road connection with an appropriate barrier system where necessary as part of the proposed phase 1.
- Two phases of development are therefore proposed – this is to ensure delivery of the community and open space facilities in tandem with the 1st 60 number housing units and to ensure permeability between existing and planned housing and community facilities in this area in accordance with AP5.
- Full wording of the proposed amended phase I and phase II and a condition which might be considered by the Board in this regard are attached.

- Having amended the wording of addition 8 the Board may wish to omit condition 5.
- Condition 3 relates to a cash security for completion of development in the amount of €1 million and we respectfully request that the Board amend the wording of this condition to allow for greater flexibility with respect to the manner in which security may be posted by the developer.
- Refer to the accompanying AIA which notes no features of archaeological potential within the proposed development area but that archaeological findings during site works cannot be ruled out.
- Condition 20 of the decision is considered reasonable in this respect.

6.1.10. **Michael Gibbons**

6.1.11. The main points of this appeal are:

- Road network affecting the present lands and the relevant objectives are as follows –R03, R02, R05/R06 and the LAP has the objective to implement the objective as set out in table 7.1 – the development is premature until these road network and road improvement are completed and AP5 effectively prohibits the development.
- We would have considered the 47 number dwellings should access the Delgany Glen site only, at this stage of the development.
- Chapel Road is not capable of accepting any further traffic until the road improvement and bypass schemes are completed until after 2024 and/or on completion of the R02 and R03 objectives for road improvements and bypass schemes.
- We request that the Board examine the proposals in depth in respect of the proposed development and the LAP and the County Development Plan.
- Interim solution of 47 number dwellings to exit the Delgany Glen scheme has merits and is in accordance with the proper planning and sustainable development of the area in our opinion.

6.2. Responses

- 6.2.1. The appeals were cross circulated. The parties were also offered a chance to respond to the first party response to the appeal. Three comments were received by the last date for submission, which was 7th November 2017. These largely reiterate points already made.
- 6.2.2. Responses received may be summarised as follows.
- 6.2.3. 1st party response to appeals
- 6.2.4. The applicant is satisfied for the Board to determine the inclusion or otherwise of the proposed pedestrian/cycle route to the public open space at the south-eastern corner of the scheme to link with an existing laneway.
- 6.2.5. Section 10.1 page 45 of the LAP allows that the planning authority may confirmed that an action plan does not have to be agreed to in cases where all objectives for the area can be successfully addressed in a single application. All of the principal objectives under AP5 have been addressed. The LAP does not quantify the number of units to be accessed by Delgany Glen but rather that this should be determined through transportation analysis.
- 6.2.6. Transportation department has expressed no objection in respect of junction capacity, traffic or public safety issues regarding the access via Delgany Glen. An independent road safety audit stage I accompanies the response.
- 6.2.7. Ultimate proposal is to facilitate access from both road connections.
- 6.2.8. Only existing school and community facilities will be accessed by Chapel Road until such time as appropriate improvement works have been carried out at Chapel Road to accommodate vehicular movement associated with the proposed housing.
- 6.2.9. Narrowing of the carriageway, separation of the green space from the roadway by means of the proposed green route and implementation of the design mitigation measures identified in the independent RSA will improve safety conditions within Delgany Glen in accordance with DMURS.
- 6.2.10. Unreasonable to prevent delivery of housing pending improvement works to a local road upon which the proposed housing is not reliant vehicular access.

- 6.2.11. Condition 5 (b) (ii) refers - Senior Planner confirms that the design/plans are being actively progressed in relation to the upgrading of Chapel Road.
- 6.2.12. If required we have also set out an alternative phasing proposal limiting the number of units to be constructed to 83 pending further improvement works to Chapel Road – section 5.2 (P.15) of the 1st party appeal report refers.
- 6.2.13. Delgany Glen was taken in charge by the Council on 15th December 2016 and the works do not encroach on the public open space but on the verge.
- 6.2.14. Regarding concerns in respect to the proposed boundary treatments along the south east corner of the site the proposed development provides for soft landscaping rather than a dense planted barrier.
- 6.2.15. Happy to accept a condition of permission that imposes the boundary treatments requested by 3rd party namely a 1.8 m high timber panel fence near of all proposed houses butting Delgany Glen and a 2 m high solid wall along the public open in the south-east.
- 6.2.16. Tom and Irene Clarkes' response
- 6.2.17. Regarding the laneway and the proposed pedestrian pathway this has been subject of many changes of opinion within the Council. All interested third parties including the applicant have at one time or another excluded this link. The site has been incorporated with 1 Lower Kindlestown for a long time with no objection. Block wall should be constructed at site boundary.
- 6.2.18. Peter Greene response– The proposed pedestrian access will lead to antisocial behaviour and be an invasion of our privacy and value our property. The applicant has no legal right to include our laneway.
- 6.2.19. Michael Gibbons response – Refers to a range of technical reports presented as part of the consideration of the application by the Council. The TTA addendum report does not support the applicant's position and we refer to the enclosed extracts of the technical reports prepared by officials of Wicklow County Council. It has been further clarified that the special contributions will assist in the delivery of the R03 which will incorporate a new road of 320m from Chapel Road / Dromont Junction.

6.2.20. No objection to the granting of permission for 47 number units with vehicular access via Delgany Glen. Whether the access through Delgany Glen is good planning is now a matter for the Board. The massing can be alleviated by an increase in the area of open space as shown on attached drawing.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The issues in this appeal are considered under the following headings:

- Traffic, roads layout and phasing
- Policy
- Impact on existing residential amenity
- Open space and amenity for future occupants
- Heritage – Tree protection and ecology and archaeology
- Water supply, Wastewater and flooding
- Appropriate Assessment.

7.2. **Traffic, roads layout and phasing**

7.2.1. I refer herein to:

- Planning history and development plan context
- The nature of the road proposed
- Phasing.

- 7.2.2. Having regard to the **planning history and the planning policy** context I consider that it is already established that the Delgany Glen estate road would accommodate additional traffic associated with further development.
- 7.2.3. The decision of the Board included a requirement to modify the road to the front of 1-18 Delgany Glen specifically to facilitate additional development of lands to the north. In order to make that road suitable for additional traffic the road was widened from the then standard width of 5.5m to 7m. In the absence of the planning history file it is not clear to me what amount of land was to be so served but the fact that the principle was established is what is relevant.
- 7.2.4. The principle of further development is also established by the Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019, which states in relation to an 11.5 ha site in Killincarrig:

*Access to a limited number of units to be provided via Delgany Glen.
The number of units allowable shall be determined following detailed traffic and junction analysis taking into account other zoned lands that may be accessed through this route.*

Access to the remainder of the action area to be provided from local primary road L – 1027 (Delgany – Blacklion), through the provision of new junction south of St Lawrence NS, accompanied by associated road improvements (including widening and traffic calming measures) either side of the new junction, in particular linking the new junction into the Delgany would bypass.

- 7.2.5. I consider that the following points are relevant:
- the description above essentially refers to the site, which is subject of the proposed development
 - it clearly indicates that part of the development will be accessed through Delgany Glen
 - it clearly states that access to the remainder will be from the Delgany - Blacklion Road.

- 7.2.6. I submit that nothing in the plan envisages an access involving a through road between Delgany Glen and Chapel Road. On the contrary the adopted plan clearly sets out a scenario whereby only a proportion of the Action Area lands would be served by Delgany Glen. This matter is of most concern to the substantial number of third parties who made submissions to the planning authority and to the appellants.
- 7.2.7. I disagree with third party observations who state that there was a reasonable expectation that Delgany Glen would be retained as a cul-de-sac. I note that some of these observers refer at the same time to the provisions whereby a limited number of houses would access by that route. It is reasonable that a proportion of the applicant's lands be accessed through Delgany Glen.
- 7.2.8. I next refer to the **nature of the road proposed and the preplanning consultations.**
- 7.2.9. There is considerable evidence on file that notwithstanding the provisions of the local area plan, the planning authority has a preference for a through route from Delgany Glen and onto Chapel Road at the school. The Planning Application Report clearly indicates that the application was strongly guided by advice from the planning officials who expressed a preference for vehicular permeability through the site connecting Delgany Glen to Chapel Road, as well as green route permeability. This was subject to a road layout to be based on the design principles of DMURS.
- 7.2.10. On foot of the preplanning meeting a permeable vehicular through route was discussed with the Transportation and Area Engineer, who agreed to consider the merits of this proposal. It was agreed that the scheme would retain a circuitous vehicular through route with appropriate traffic calming measures to control vehicle speed. The design was to discourage 'rat running' to the schools and other development at Blacklion as well as to St Laurence's. As third parties point out the access to Blacklion from the eastern side (R761) involves going past a number of traffic lights.
- 7.2.11. A subsequent meeting in October 2016 with the planning officials of WCC indicated that the scheme drawn up facilitates full vehicular permeability between Delgany Glen and Chapel Lane, should this be the ultimate requirement of the planning authority.

- 7.2.12. Transport assessments undertaken demonstrate that local road junctions at and in the vicinity of Delgany Glen have sufficient capacity to absorb the proposed 132 number houses. I accept this point and consider that no substantial arguments are made by third parties in this regard and I note that the officials of the Transportation Department have not indicated concerns in this regard.
- 7.2.13. The planning statement accompanying the application indicates that in response to comments at the meeting and pending agreement, full vehicular permeability to Chapel Road had been designed out for now. The cover letter indicates that the intention is to restrict access to Chapel Road until such time as the Council considers this to be appropriate.
- 7.2.14. The planning authority in the requested further information indicates that they had reservations any such a solution involving access through Delgany Glen only for 132 houses for an unknown period. There was an objection to construction of the full road with removable bollards on that basis. The proposal before the Board sets out an option for the opening year with all access through Delgany Glen and in the later phase of development for a connection to the Chapel Road.
- 7.2.15. The above sets out the background to the scheme before the Board. I have no particular concern relating to the masterplan approach to the application and the failure to prepare an action plan and consider that such circumstance are allowed for within the local area plan. I do not consider that this is an unreasonable approach in the context of an application which conformed with the guidance for the lands as set down in the local area plan.
- 7.2.16. I consider that the third party objections to the proposal on the basis of contravention of the LAP are not without basis. However, consideration also shall be given to the **Sustainable Residential Development in Urban Areas Guidelines**. In the longer-term however, when looking to national guidance it is appropriate and in line with current national policy that the permeability of this site be maximised including by means of a vehicular route and pedestrian / cycle routes. SRDUA emphasise that permeability is a key component of well-functioning communities. The question in my opinion is to arrive at a reasonable balance and an appropriate solution in the particular circumstances of this case.

- 7.2.17. I refer at this point to conditions at Chapel Road as I witnessed on my second site inspection. An inspection is only a snapshot of any situation but I considered it useful to gain a better insight in response to the third party submissions and to support consideration of the applicant's documentation including the TTA.
- 7.2.18. I arrived in Delgany Glen at 08.10. I spent the next thirty minutes travelling between that area and the Blacklion centre where three schools are located. I stopped opposite the junction of Delgany Glen between 8.40 and 8.47 and did not witness any level of congestion or queuing at the junction of Delgany Glen or at the junction of Delgany Wood with the R761. On returning to the main Bray to Greystones Road at that time there was a short queue of traffic (circa 15 cars) all of which moved through the junction at one time. Similarly there was no significant congestion at the Blacklion junction and no evidence at that time that the Temple Carrig and other schools were causing any congestion.
- 7.2.19. I arrived at 8.54 at St Laurence's School on Chapel Road and was immediately struck by the traffic jams. St Laurence's is a large school and I can only describe the conditions on the Blacklion to Delgany Road at the time of the 'school run' as chaotic. There is presently inadequate parking and drop-off areas which I considered were greatly contributing to the congestion. Of more concern however were the conditions experienced by pedestrians who negotiated a very narrow path with no room for passing. Cycling to school simply would not be an option. The limited pedestrian activity appeared to be related to parents parking at nearby housing estates and walking from there to avoid delays. Conditions for pedestrians are at the very least uncomfortable and arguably are extremely unsafe.
- 7.2.20. A key objective of the LAP relates to the **upgrading of Convent / Chapel Road**. Much of the road at the Blacklion end has been significantly upgraded as part of new development. An elected representative refers to the long-standing nature of this objective and the fact that the 3 year capital programme does not include funding. The failure to initiate CPO proceedings is highlighted in one third party submission. The applicant's further information response however indicates that the special contribution payable (which is provided for in the LAP) would be towards a 320m section of 6-6.5m carriageway with footpaths and cycleways. I refer later to the contribution which might be payable. The grant of permission by the planning

authority is based on the planning for this upgrade being at an advanced stage. In January 2017 a design report had already been commissioned. There remains nevertheless no definite timescale for delivery of the Chapel Road Relief Scheme (R03), although indications are given of a time between Q1 2021 and Q3 2022. I agree with the planning authority that a grant of permission for the entire 132 houses is not an acceptable proposition.

7.2.21. I refer again to condition 1(b) of the decision of the planning authority and the requirement to build and open the through road as part of Phase 1. My opinion based on my inspection of the site is that the road proposed would be used as a 'rat run' to schools, particularly in the context of congested peak periods and pending Chapel Road upgrades.

7.2.22. In the absence of upgrade works to Chapel Road the estate road would (notwithstanding its circuitous alignment and even in the scenario of reduced peak time congestion with the new drop-off point) be the preferred route for many users avoiding the Delgany to Blacklion Road. Notwithstanding the availability of junction capacity at Delgany Glen to cater even for development of the entire site, I consider that this would be an undue burden on the residential amenities of Delgany Glen and that it would constitute a material contravention of the local area plan pending other road improvements in the area, which would more equitably spread traffic.

7.2.23. In drawing the above conclusion I infer that the reasoning of the planning authority in promoting a through route may partly relate to the chronic conditions on Chapel Road. This is a compelling factor. However, while I have no objection in the long-term to the proposed through route I consider that it is not an appropriate option at this time. I refer the Board to the improvements in traffic flow, which would be likely to result from the enhanced school drop-off facility. I refer also to the **green route through the site**, which would be delivered through the appeal submission phasing proposal, but is not achieved in the conditions attached by the planning authority. On balance I am minded to favourably consider the proposal as outlined in the first party appeal, which in my view will alleviate congestion at Chapel Road, facilitate sustainable travel modes from the R761 through the site and to the schools but will also prevent use of the new residential area and the Delgany Glen cul de sac as the primary route to the national school.

- 7.2.24. In the longer term opening up of the through route is appropriate and this should be referenced in conditions if permission is granted. In the event that the Board disagrees with my conclusion on that matter it may wish to consider specifying a restriction on the number of houses which would access through Delgany Glen, which should take into account the lands to be served by Road 2. Any future application could address a suitable revision to the road layout – the treatment of the interface between Roads 3 and 8 might be appropriate.
- 7.2.25. Regarding the first party appeal and the **phasing** as requested I note that Phase 1 would deliver the active recreational amenity, the crèche, the school drop-off and parking, the vast majority of the open space and the pedestrian / cycle route as well as the road upgrade works at the entrance at Chapel Road. In that context I agree that a grant of permission for 60 units appears reasonable.
- 7.2.26. I also refer to the layout which would result from the permitted development and I agree with the applicant that there is no apparent rationale for aspects of this. I have attached a copy of the appeal phasing document superimposed with annotations which show the permitted development. I consider that the **permitted layout** would be dis-jointed and unacceptable. The housing mix of the proposed development may have to be re-considered in the context of **Part V** but that would be a detail which could be resolved, if necessary by a further application.
- 7.2.27. Subject to further consideration of aspects of the proposed development I considered that the roads layout and phasing arrangements presented in the first party appeal constitute the optimum solution for this site and that the development of the site as Phase 1 would be in accordance with the proper planning and sustainable development of the area.

7.3. **Policy overview**

- 7.4. I refer to the strategic objective of the government to ‘ build more homes’ which is 1 of the key objectives of ‘rebuilding Ireland an action plan for housing and homelessness’. The application is described as representing a strategic, planned led mixed housing element in a large growth town to within the metropolitan area of the GDA close to the town centre and served by DART and other public transport. The evidence from the development plan is that there is continued investment in

infrastructure, which will support this development. The site is about twenty minutes-walk from the DART. The consolidation of Greystones -Delgany is a core objective of the development plan and its growth is supported by the Regional Planning Guidelines although it is failing to meet population targets. I consider that the development is supportive of the key objectives of the county and regional guidance and policy.

- 7.5. I have referred above to the LAP. The development by reason of the provision of housing, the development of open space and recreational amenity, the selected density and the general long-term strategy to distribute traffic and increase permeability is largely in keeping with the LAP. I have addressed the matter of access through Delgany Glen above.
- 7.6. Regarding the Sustainable Residential Development in Urban Areas Guidelines the applicant in response to a request by the planning authority has provided a report which responds to the 12 criteria which are to inform appropriate design for residential developments as set out under the Urban Design Manual. This refers to matters such as connectivity, variety, distinctiveness and public realm, which I consider are reasonably demonstrated to be adequately addressed in the scheme proposed. I refer to other specific points later in this report. In general consider that the design and layout complies with the guidance and responds well to the challenges of the site topography.
- 7.7. The development in compliance with the Childcare Guidelines incorporates a childcare facility with total occupancy of eight adults and 40 spaces for children. The further information submission indicates that the guidelines requirement for development of 129 units is 35 spaces. As such there is a slight exceedances of the minimum requirements, which I consider acceptable. The development plan requirement of 10 car parking spaces as set down under table 7.1 is met and there is provision in the layout for a set down bay.
- 7.8. I conclude that the development is in compliance with the primary policy objectives pertaining to the site.

7.9. Impact on existing residential amenity

- 7.10. I consider that two matters require consideration namely the impact of through traffic including pedestrian / cycling traffic and the potential for overlooking.
- 7.11. Regarding the use of the Delgany Glen road as a through route for a limited amount of development in the short term and ultimately as part of a through route, I acknowledge that this will constitute a change in character of the existing residential cul-de-sac. I have referred in detail above to the merits of options to serve the site and I have noted that it is established by previous permission and was always intended that there would be traffic through Delgany Glen. The through route as designed will accord with DMURS which is the up-to-date guidance to ensure an appropriate balance between all road users and the concerns expressed by residents relating to the narrowing of the route, its use by additional traffic and the consequent stated adverse impacts on safety are not in my opinion demonstrated to be well-founded. I recommend that the Board accept the layout as proposed on the basis that it will accord with current guidance, which specifically aims to slow traffic and ensure safety.
- 7.12. I note that the residents of Cherry Glade have referenced a need for a high wall adjacent Road One in the interests of safety. This has been addressed in the further information and could be further considered under a landscape plan if required. I refer to the first party submission in terms of the relationship between Delgany Glen open space and traffic, which I consider is acceptable and in common with situations normally encountered in residential environments.
- 7.13. Regarding the pedestrian through route onto Kindlestown Road, which is subject of two of the appeals lodged I agree that careful design would be required to avoid such a route becoming a nuisance and I refer in this regard to the detailed submission of an elected representative who cites best practice at a different location. The matter is capable of resolution in my opinion. I consider that the planning authority in attaching a condition that the developer facilitate such an access was correct in so doing. I recommend that this condition be reiterated. Any legal issues which require to be resolved between the parties is not a matter for

adjudication under the current appeal and the first party has correctly referenced the availability of legal remedies in this regard.

7.14. Regarding the potential for overlooking I consider that there are significant outstanding issues. In relation to houses 1-9 of Road 2 these units should be omitted in the event of a decision to grant the entire proposal. In the event of a future application I consider that a radical redesign is warranted. The application drawings and the first party submissions detail the fact that the ridge heights of the proposed houses are lower than the existing. The existing houses at Cherry Glade are three-storey units. The rear garden of the proposed houses are of standard length but the situation pertaining is anything but regular. I refer the Board to my photographs from the site and to the section drawings. The development is proposed would result in extreme levels of overlooking into the bedrooms, ground floor level and garden of the houses at Cherry Glade and I am unconvinced that the applicants proposals would remedy the situation.

7.15. Regarding the potential for overlooking arising from house numbers 15 (Road 6) and from 9, 10 and 11 (Road 5), this is mitigated by orientation in the case of house 15 and by the larger rear gardens in the case of the other houses. I consider that this can reasonably be addressed by landscaping. A change in outlook and character is unavoidable and is acknowledged.

7.16. **Open space and amenity for future occupants**

7.17. I refer at this point to the design and layout and the open space provision for future occupants.

7.18. I reject the appellants' comments relating to lack of open space within the development. The space at Delgany Glen would not in my opinion be particularly attractive for use by future residents of the houses as the development would be served by a network of small spaces and furthermore would have public access to the open space to the north, where a range of character areas would be available for use and enjoyment. The spaces within the site will contain flat areas suitable for play and a condition regarding landscaping will enhance the amenity value. There is no need in my opinion to require a larger open space area as indicated on one appeal submission.

- 7.19. In terms of the layout and connectivity within the site I note that there are some awkward relationships. I refer for example to Section B-B as an indication of the realities on site and to the cross-over between the green route and the roads. I consider it appropriate to allow some flexibility on the matter of junction design and details of roads, which is inherent in the Board's standard condition on this matter.
- 7.20. Otherwise I am satisfied that the range of house types, boundary treatments and so on would provide an acceptable standard of residential amenity for future occupants.

7.21. **Water supply, wastewater and flooding.**

7.22. There are no deficiencies in the available services in the area which include water from Vartry and a wastewater treatment plant which has adequate capacity to serve the growth planned for Greystones-Delgany. There is a watermain nearby to the south

7.23. Appellants have referenced the potential for flooding due to the elevated nature of the lands and the waterlogged condition of open space at Cherry Glade. The site was partly a former sand pit and the upper levels of the soil evident during site inspection are indicative of good permeability. The site is outside the extent of potential for fluvial flooding and groundwater flooding is not a characteristic of the geology. The Infrastructural Report addresses the potential for pluvial flooding and surface water drainage proposals incorporate SUDS including appropriate interception storage and take into account climate change. The application submissions include appropriate measures to deal with surface water from the site and to ensure no adverse impacts on the adjacent lands.

7.24. I consider that the development is acceptable in terms of the infrastructural aspects of the scheme and that it would not give rise to flooding.

7.25. **Construction phase impacts**

7.26. There is no evidence to suggest that site blasting would be required although there is a requirement for significant changes to ground level.

7.27. Construction phase traffic will be subject of appropriate management to be agreed with the Council. I have considered whether it would be appropriate to address this

matter by a more detailed condition than the Board's standard condition and in particular to prohibit use of the Delgany Glen access. On balance I consider that it is appropriate that this matter be left to agreement with the planning authority. Regulation of hours of construction would be appropriate.

7.28. Heritage - Tree Protection and Ecology and Archaeology

7.28.1. The site of the proposed development and in particular at or close to the site boundaries contains trees which are of intrinsic or visual value and includes the eastern end line of trees which are listed for protection in the local area plan. The application is accompanied by an arboricultural assessment, which is acknowledged to be a preliminary report based inspection from ground level. I consider that the report is sufficient for the purposes of this application. It provides an assessment of individual trees and clearly represents those which are to be removed and their condition in accordance with standard practice. Tree protection zones are defined in addition.

7.28.2. I consider that some of the more significant matters raised in this report are:

- The location close to the existing school car park of trees which are close to the boundary and which are considered in need of remediation in the interest of health and safety.
- The poor/fair condition of the trees at the eastern end of the site (Scots pine mainly) which are listed for protection and the fact that they are subject of vandalism and exposed and many of which are outside of the property boundary.
- The location of trees which are outside of the property boundary and which require remediation (for example a large damaged Monterey Cypress and a dead Larch) and which are close to rear gardens of proposed houses (Roads 1, 3 and 8).
- The fact that some of the situations warrant retaining structures to deal with alterations to ground level by the same time protecting trees (for example the trees referred to above in tree-line number 4).

- The list of preliminary work set out in appendix 2, which will need to be reviewed on site.

- 7.28.3. I agree with the statement in the report that the impact of the loss of tree vegetation is minimal as the trees being highlighted for removal include trees of small size, which are dispersed throughout the site. Some tree removal is required but for the most part it is related to the condition of trees rather than being a result of the development.
- 7.28.4. Subject to a condition that the recommendations of this report be complied with, which will include appointment of an arboriculturist for the duration of the project, I consider that the Board can be satisfied that the development is acceptable in terms of protection of trees including those identified in the development plan.
- 7.28.5. In relation to ecology the third parties have referred to the report of Scott Cawley consultants, which was prepared for the purposes of Appropriate Assessment screening and does not purport to be a survey of the site. Residents refer also to what they have witnessed on site themselves.
- 7.28.6. The 3rd party references to birds which are listed in the report of Scott Cawley are not relevant to this section of the report as there is no suitable habitat to support these species. As noted by an observer the requirement relating to seasonal restrictions on vegetation removal would ensure protection of breeding birds.
- 7.28.7. The report of DAHRRG refers only to the protection of trees and that these trees not be artificially lit, which I assume is a reference to protection of local biodiversity in particular habitats for bats. In the event of a grant of permission it would be appropriate that the lighting in the vicinity of the western and eastern site boundaries for most trees are to be found will be designed following and in accordance with the advice of the bat specialist. A lighting report was presented as part of the further information submission. While the identification of horizontal illuminance is useful in terms of the protection of residential amenities, this report is not adequate to ensure protection of the treelines as habitat for bats.
- 7.28.8. I note that a third party references the presence of dead trees on the site and that they should have been taken into account in terms of their potential as bat roosts. Following inspection of the site I do not recommend any special measures in this

regard as there are few such trees. Furthermore the conditions recommended above would mitigate any such incidents and the species are protected in law.

- 7.28.9. A third party has also referenced the presence of a badger sett at the rear of 25 Cherry Glade. During my site inspection I noted the burrow of a large mammal as well as digging marks, which may have been related to badgers. The Board could request that the site be surveyed for the species. I consider that would be appropriate but that it should be undertaken as a condition of permission. A licence from NPWS would be required in the event of a requirement to relocate badgers, which might be present on site. In that context I do not consider that further information should be requested.
- 7.28.10. I conclude that there is no significant likelihood of adverse effects on ecology arising from this development and in particular that the potential adverse consequences on badgers and bats, which may be present can be mitigated by condition.
- 7.29. The application submissions include an **archaeological assessment** report dated August 2017. This report was undertaken as part of the 1st party appeal against the and is prepared in response to the recommendation of the Department of Culture, Heritage and the Gaeltacht to submit an archaeological assessment. There are no recorded monuments within the proposed development area. In vicinity are Kindlestown Castle national monument which is 185 m to the west and Killincarrick Castle which is 230 m to the south-east. The site is considered to have moderate archaeological potential due to relative proximity to such monuments and to extensive prehistoric archaeological landscape. Sections of the proposed development area remain relatively undisturbed and there is potential for previously undiscovered archaeological remains.
- 7.30. The recommendations set out in the report include a programme of targeted test trenching at a specified part of the site which identified as both suitable for settlement in the past. Those areas are the level ground to the east and north of the site. Further mitigation may be required depending on the results of that assessment and consultation with the NMS and all ground disturbance should be monitored by a suitably qualified archaeologist.

7.31. On site I noted deep trenches, which appear to be referred to in the AIA as relating to ground works associated with house construction. I accept the AIA and its conclusions. While it has not been referred to the relevant prescribed body I consider that there is no reason to require that this be undertaken at this time and I recommend that the Board attach a standard planning condition.

8.0 Other issues

- 8.1. In response to the request for additional information an Infrastructural report addresses the amount of cut and fill required. The further information request referred in particular to Roads 3 and 8 along the western boundary. I agree that this area is of concern including by reason of the mature trees, which are outside the site boundary and which warrant retention and also due to the topography. In the event of a further application the applicant would have to provide detailed information in relation to the rear gardens and their impact on trees. The response to the further information request refers to the removal of trees and the lowering of ground levels. This needs to be cross referenced with the information presented by the arborist to ensure that it is an appropriate response.
- 8.2. I accept that the design has sought to respond to the challenge of the site topography as it is in the applicant's interest to achieve minimal cut and fill and a requirement to comply with road gradients. I have no further comment on this matter – I have referred already to the situation at road 2. The access to the extended road to the lands to the west should be further considered in the event of a future application for Phase 2 – the levels here may be of concern. Similarly it is appropriate that any future application demonstrate compatibility with viable options to access Kindlestown House, I am satisfied that this does not have to be fully resolved at this time but consider that it would be appropriate to reference in a planning condition that this be addressed in future.
- 8.3. In relation to the provision of social and affordable housing under Part V of the Act I note that the applicants proposals as presented are acceptable to WCC and I note also that these were revised and further approved as part of the response to further information. This matter can be addressed by way of the Board's standard conditions in the event that permission is granted.

- 8.4. Regarding the amount payable under the special contribution this is appropriate for consideration under a future planning application. I note that the planning authority decision did not require a payment. I consider as a precautionary measure that the general unspecified amount condition should be attached. It will allow the planning authority to active this requirement if deemed appropriate or to trigger the requirement at a later stage.
- 8.5. Regarding the potential damage to retaining walls and boundary structures, which is largely a matter to be resolved between parties, I consider it appropriate that the planning authority agree with the applicant the detail of the walls to be erected at Cherry Glade and Delgany Glen in particular. I do not consider that the same requirement arises at the eastern side of the site.
- 8.6. I consider that there is no requirement for an EIS in this case. The characteristics of the site and the development are such that a sub-threshold requirement would not arise.

9.0 Appropriate Assessment

- 9.1.1. I refer the Board to the report of Scott Cawley which provides information for Screening for Appropriate Assessment.
- 9.1.2. The appeal site is situated 2km to the south of the closest European site Bray Head SAC, which is designated for sea cliff and dry heaths. There is a potential linkage with this site by way of wastewater. The treatment plant is a modern system which has been recently upgraded and the potential for pollution is thus eliminated. The use of best practice methods on site will control any construction phase related pollutants. There is no likelihood of any significant effect on this site.
- 9.1.3. The Murroughs wetlands SAC is located about 3.7km from the site. It is also an SPA. The potential for significant effects can be ruled out on the same basis as above.
- 9.1.4. There are a number of other European Sites within 15km of the development site. The nearest is the Glen of the Downs SAC, which is 2.2km away and which designated for its oak woods. In the absence of a hydrological connection and in view of the distance significant effects can be ruled out.

- 9.1.5. Similarly I consider that the sites listed in Table 2 of the Scott Cawley report would not be significantly affected.
- 9.1.6. There is no requirement for a Stage 2 assessment in this case. Having regard to the nature and scale of the proposal, the nature of the receiving environment and the separation distance to the nearest European site and the lack of a hydrological connection, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 **Conclusions and Recommendation**

10.1. General

- 10.2. In principle the development of this site is acceptable in the context of the requirement for housing in this area, which is failing to meet targets set under the Regional Planning Guidelines.
- 10.3. In general I am satisfied that the development will provide for the needs of future occupants and that the layout and design aspects of the scheme as amended respond well to the constraints of the site topography.
- 10.4. It is appropriate that the development be phased and in my opinion the applicant's appeal submission is reasonable. I recommend that the Board accept the phasing arrangement therein, which provides for 60 units plus the crèche, full roadway and school parking and the recreational facilities.
- 10.5. Aspects of the design and layout will require either careful consideration or radical revision in any future application and it is appropriate that the board reference these in this decision.

10.6. Access arrangements

- 10.7. On the matter of the access, I consider that this is a finely balanced case.
- 10.8. I consider that the provision of the enhanced parking and set down area for the school will greatly alleviate the chaotic, congested and unsafe conditions which prevail at school drop-off time. Further the provision of a pathway and cycleway

through the site will provide an acceptable alternative to Chapel Road for some pupils (and for general use).

10.9. The matter of a through route between Delgany Glen and Chapel Road and its phasing is more difficult.

10.10. The principle of some extension by way of the Delgany Glen cul-de-sac is established. However, there is no policy objective in the local area plan which provides for a through route between Chapel Road and Delgany Glen. Rather the adopted planning policy is to provide only for a limited amount of the AP5 lands by this route. The Board may wish to consider whether the requirement for a through route would constitute a material contravention of the local area plan. My opinion is that it should not be permitted even to serve phase 1.

10.11. I conclude that the proposal to allow 60 units to be served by Delgany Glen is acceptable. I consider that this number of units would reasonably conform with the local area plan requirements. No further development of this site or adjacent lands served by Road 2 would be appropriate pending completion of works at Chapel Road in my opinion.

10.12. In the long term I agree with the approach of the planning authority to facilitate full vehicle permeability through the AP5 lands as this is in accordance with the national policy. In the context of an upgraded road network at that time, the residential road would not be an attractive alternative to Chapel Road. Chapel Road would be a viable alternative to Delgany Glen and this fact would ensure that not all traffic would go through Delgany Glen. This in my opinion reasonably complies with the spirit of the requirement that a limited amount of development be served by Delgany Glen. I recommend that the Board address this by condition.

10.13. I therefore recommend that permission be granted for 60 number residential units with construction of road one up to a point close to the school car park. The full through route and additional housing should be dependent on realisation of other road upgrade works.

11.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2016-2022 and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.1. CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21st day of June, 2017 and 29th day of June 2017 as revised by the submission to An Bord Pleanála on the 22nd day of August 2017, 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.

Reason: In the interest of clarity.

2. The development shall be in accordance with the phasing presented by the application to the Board on 22nd August 2017 .This permission relates only to Phase 1 as identified on the appeal submission comprising:

- (i) 60 residential units
- (ii) A childcare facility
- (iii) The associated road network and the complete green route as highlighted on the appeal drawings
- (iv) The development of the associated open space and sports facilities
- (v) All works within the identified phase 1 and the ancillary works such as lighting, infrastructure and open space to implement those proposals.

Reason : In the interest of securing an appropriate balance between the need for housing, the objectives for the AP5 lands under the Local Area Plan and the roads infrastructure in the area.

3. No further residential units at this site shall be constructed pending the advancement of the Chapel Road Upgrade to the satisfaction of the planning authority. In this regard the following shall be incorporated in future applications relating to this site:

- (i) The residential estate roads shall provide for a vehicular through route between Chapel Road and Delgany Glen.
- (ii) The detailed design of connections to adjoining lands to the west shall be presented, which may include an access through the site from the northern side of Kindlestown House and shall include details of Road 2 and its extension into lands to the west.
- (iii) A revised proposal for the design and location of houses 1-9 at Road 2.
- (iv) Details of any requirements for retaining wall or any other measures at Road 3 and Road 8, which may be required to protect trees at this location and ensure suitable rear gardens
- (v) Proposals for the making of a Special Financial Contribution towards the Chapel Road Upgrade.

Reason : In the interest of providing a permeable roads infrastructure in the area in the long-term and to ensure that options to access the lands to the west are feasible,

and to prevent overlooking of houses at Cherry Glade and to protect trees at Kindlestown House and to ensure financial contribution towards road works facilitating this development.

4. The internal road network and access serving the proposed development, including turning bays, junctions, sight distances, parking areas, footpaths, cycle tracks and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

5. The developer shall facilitate a future link pedestrian and cycle with the R761 at the south-eastern corner of the site.

Reason: To ensure permeability through the site.

6. The developer shall implement all the recommendations pertaining to tree retention as outlined in the Arboricultural Assessment. Within six months of the date of this decision an arborist shall be retained by the developer for the duration of the construction and shall commence a program for implementation of the recommendations contained in the submitted report, including tree felling, surgery and remedial works. Such works shall be commenced as soon as possible and shall be completed within one year of the completion of development works on the site. The arborist shall carry out a post construction tree survey/assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all works are completed and in line with the submitted original tree report and landscape drawings.

Reason: To address requirement for urgent tree surgery and to protect the sylvan character of the site, which contains protected trees.

7. All areas of public open space within Phase 1 shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped

in accordance with the detailed requirements of the planning authority. This 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 ensure the satisfactory development of the public open space areas and their continued use for this purpose.

8. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, full design details of a small playground or a series of sets of play equipment throughout the site, including specifications.

Reason: In the interest of amenity.

9. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, detailed specification for the boundary treatment to the south and south-east of the development site. Where necessary retaining walls shall be installed and any existing retaining walls shall be inspected and reinforced.

Reason: In the interest of residential amenity.

10. Prior to the commencement of development the applicant shall engage the services of a bat expert to undertake a survey of the site and to make recommendations regarding public lighting and to liaise with the arborist regarding tree protection.

Reason: In the interest of protection of bats.

11. Prior to the commencement of any development the applicant shall engage an ecologist to survey the site for badgers and to make recommendations regarding the protection of this species, if present, and their re-location if necessary, in accordance

with any requirements set out by NPWS. The developer shall comply with these requirements.

Reason: In the interest of protection of badgers.

12. The recommendations of the Archaeological Impact Assessment received by the Board on 22nd of August 2017 shall be complied with in full.

Reason : To ensure protection of archaeology.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house and shall incorporate the recommendations of the bat report.

Reason: In the interest of amenity and public safety.

14. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

15. 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.

Reason: In the interest of orderly development and the visual amenities of the area.

16. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

17. Prior to commencement of construction of the houses, details of the materials, colours and textures of all the external finishes to the proposed houses/apartments shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

18. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

19. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. 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 interest of amenities and public safety.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in

writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(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.

21. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 and maintenance of the development until taken in charge.

22. 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 the 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.

Mairead Kenny
Planning Inspector

17th November 2017