



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion

ABP-300156-17

Strategic Housing Development

Ten-year permission for 262 units, 8 commercial units, crèche, civic space, future use of land for community facility, laying out of internal roads and footpaths and all associated site and infrastructural works.

Location

Bullford, Kilcoole, Co. Wicklow

Planning Authority

Wicklow County Council

Prospective Applicant

Kimpton Vale Ltd.

Date of Consultation Meeting

5th December 2017

Date of Site Inspection

4th December 2017

Inspector

Una Crosse

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submission from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The subject site comprises approximately 9.375ha and is located adjacent to and the west of the Main Street in Kilcoole. Two sections of the site provide frontage to the Main Street one of which is currently used as a car park (c.60 metre stretch to the northeast of the site) and the other section of frontage is currently bounded by a wall (c.35 metre stretch to the southeast of the site). The majority of the site is currently in agricultural use. The Kilcoole River flows along the western boundary of the site. There are number of access points to the site including from the Main Street and via an agricultural entrance on farmyard lane.
- 2.2. The train station at Kilcoole is served by the Dublin-Wexford-Rosslare Train Service and an inter-city service is provided to Dublin at 6.48 and 7.44 with a return service at 16.37, 17.36 and 18.38 each day. A reduced service (one train in each direction) is available on a Saturday with no service on a Sunday. The train station is c. 1.8km to the east of the site along Sea Road part of which includes a footpath with the remainder without a path. Kilcoole is located along the route of the 84 and 84X bus routes. The 84 service runs between Blackrock Village to the north and Newcastle Village to the south serving Kilcoole. The service operates between 06.30 and 23.30 at an hourly frequency in each direction. The 84X service provides a commuter service between Kilcoole and Dublin City Centre (Hawkins Street) with eight buses leaving Kilcoole between 6.40 and 7.50 each morning and eight buses leaving

Dublin City Centre between 16.45 and 18.30 each evening. Two further services are provided in each direction outside of these hours.

3.0 Proposed Strategic Housing Development

3.1. A ten-year permission is sought for the proposed development.

3.2. The proposal comprises 262 residential units, which comprise the following:

- 47 two-bed units (18%) with 42 single storey 2-bed duplex apartments and 5 single storey two-bed bungalows;
- 189 three bed units (72%) with 42 two-storey three-bed duplex houses, 52 two-storey three-bed end of terrace houses, 43 two-storey three bed mid terrace houses, 29 three storey three-bed townhouses, 14 two-storey three-bed semi-detached houses, and 9 two-storey three-bed detached houses;
- 26 four-bed units (10%) comprising 22 two and a half storey four-bed semi-detached houses and 4 two and a half storey four-bed detached houses

3.3. Eight commercial units are proposed within 2 buildings each two-storey which front onto Main Street and which are 612sq.m and 748 sq.m. The ground floor of the buildings accommodates 4 retail units and the first floor accommodates 4 office units.

3.4. A two-storey crèche building of 494 sq,m is proposed.

3.5. Landscaping and amenity areas with 14,500 sq.m of open space proposed,

3.6. Infrastructural works including site clearance, foul and surface water drainage, attenuation and parking are proposed as is a public car park located to the rear of the proposed new commercial buildings fronting Main Street.

3.7. A section of the east west link road.

3.8. It is proposed to transfer 26 units (18 houses and 8 apartments) to comply with Part V.

4.0 Planning History

On site

- 4.1. **Ref. 03/8544** – Permission refused for 206 housing units for 7 reasons relating to deficient junction proposal, premature pending TIA, flooding downstream, materially contravene CDP in terms of public and private open space, contrary to Residential Density guidelines, no childcare provision, no proposals for Part V.
- 4.2. **Ref. 00/2580** – Outline application for 455 units withdrawn.
- 4.3. **Ref. 98/9532** – Permission refused for pumping station.
- 4.4. **Ref. 98/8364** – Permission refused for 6 residential and 2 retail units in 2-storey block in northeast corner of the site.

Adjoining Site

- 4.5. **Ref. 17/887** – to south of Farmyard Lane permission granted for new town centre mixed use development comprising demolition of existing property 'Brook House', construction of new 3 storey building comprising two ground floor office units, one ground floor medical centre, 4 one-bed units and 4 two-bed units, 20 no car parking spaces, provision of 3 no hard and soft landscaped civic spaces

5.0 National and Local Planning Policy

5.1. Statutory Plan for the area

The **Wicklow County Development Plan 2016-2022** identifies Kilcoole as a Level 5 (Small growth) town. The population of Kilcoole is to grow from a current population of approximately 4,063 (2011 Census), to a target population of 4,500 by 2016 and 5,000 by 2022.

The **Greystones-Delgany and Kilcoole Local Area Plan 2013-2019** provides the statutory local planning context. The site has three zonings, residential, town centre and open space. Section 10.10 of the LAP requires that an Action Plan is prepared for the site - AP9 objective (Action Plan Area 9).

Section 10.10 of the Plan states the following: This action plan is located to the west of Main Street, in the townlands of Kilcoole and Bullford as shown on Map 1. This Action Area measures c. 10ha and includes residential (c. 6.7ha), town centre (c. 2.9ha) and open space zonings.

This Action Area shall be developed as a town centre, residential, community and open space zone in accordance with the following criteria:

- Vehicular access shall be provided from the proposed western distributor road and the east-west linkage to Main Street. Only 50% of development shall be completed before the entire link between Main Street and the Newtownmountkennedy Road has been completed.
- Derelict buildings adjoining Main Street shall be removed and a new town square provided. New buildings shall be designed to enclose the new square. An indicative layout of the new town square is indicated in Figure 10.2.
- A town car park shall be provided at an easily accessible and convenient location
- The streetscape south of 'The Breeches' pub shall be reinstated with the provision of a suitable new two-storey development.
- New residential areas shall be developed to the highest standard of design and layout and shall provide for a range of unit types and sizes.
- Denser development may be considered in the area zoned TC, subject to a high quality design and respect for the scale and proportions of existing buildings on the Main Street
- Any development proposals for this Action Area shall include proposals for community uses, as determined through the preparation of a community facilities audit and consultation with the Community and Enterprise Section of the Council
- Land zoned open space can be used as the residential public open space associated with housing development on the site.

Road Objective R08 - To provide for the development of a Western Distributor Road to bypass Kilcoole. The northern section of the route shall be developed in the long term, with linkage to the R774. It is a long term objective to develop an additional link between R761 intersection with Lott Lane and the Western Distributor Road. To

provide for the development of a local access road in conjunction with the development of zoned lands at AP9: Bullford Action Plan and to provide for the development of a through link road from Main Street to the Western Distributor Road. This section of the route is necessary for the opening up of zoned lands (AP9 and E lands at Bullford Farm). Only 50% of development on these lands shall be permitted before the southern part of this road is completed.

Road Objective RO14 - Improvement of Sea Road, Kilcoole, including the development of a footpath from Main Street to Kilcoole Train Station.

6.0 Forming of an Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the **documentation submitted** by the prospective applicant; **the planning authority submission** and the discussions which took place during the tripartite **consultation meeting**. I shall provide a brief detail on each of these elements hereunder.

6.1. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual');
- Sustainable Urban Housing: Design Standards for New Apartments (2015)
- 'Design Manual for Urban Roads and Street'
- 'Childcare Facilities – Guidelines for Planning Authorities'
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities.

6.2. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and

Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Completed Application Form; Cover Letter, Statement of Consistency, Environmental Report, Draft Action Plan (prepared by JSA), Site Location Plan, Site Layout Plan, A3 Brochure of detailed drawings, Part V proposals including Part V site plan, Landscape Masterplan and design statement, Engineering drawings and services report, Flood risk assessment, Construction Environmental Management Plan, Transportation and Traffic Impact Assessment, Tree Survey and Impact Assessment report and drawings, Cultural Heritage Assessment, Ecological Impact Assessment, Confirmation of Feasibility from Irish Water.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicants case is summarised as follows:

- Proposal informed by discussions at the s.247 meeting;
- Mix of unit types to include duplex apartments and houses, townhouses, terraces, semi-detached and detached units as well as bungalows facilitating a suitable density.
- Proposal will help to achieve county plan's housing supply target for Kilcoole;
- Net density of 36 units per ha proposed which higher than LAP standards (22 p/h for residential zone) but accords with guidance in Sustainable Residential Density Guidelines for small towns and villages
- Open space proposals include five key amenity spaces including courtyards and a buffer zone/linear park along the stream;
- Car park sufficient size to serve existing and proposed development;
- East-west link road to connect to future north-south distributor road follows alignment set out in the LAP but TTA demonstrates no justification for restricting completion of development under sub-objective R08 to 50% before the entire link between Main Street and the Newtownmountkennedy Road has been completed;

- Commercial town centre elements to be delivered during first phase of proposal.
- Two-storey commercial buildings on west side of Main Street repairing an important gap in the built fabric with a new civic space proposed at junction of Farm Lane and Main Street (south-east of the site)
- Layout provides new connections to Main Street, adjoining lands and the east-west link road;
- Layout provides a hierarchical street pattern, reduced street lengths, buildings fronting onto courtyards and the stream, shared surface homezones and a mix of parking;
- Grid design aims to reinforce the town centre by providing it with a nucleus of denser development;
- Area has been set aside adjacent to the proposed civic space for a future innovation centre or community hub building to be provided by or on behalf of the Planning Authority subject to funding.
- Layout provides for set back from existing hedgerows and trees;

6.3. Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Wicklow County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 30 November 2017. The report of the planning authority can be summarised as follows:

- Action Plan for the lands has not been agreed and no provision for ABP to undertake this process;
- Proposal does not meet criteria outlined for the Action Area lands in that access isn't proposed from both western distributor road (WDR) and east west link to main street and 50% phasing requirement prior to completion of road;
- Concern raised regarding absence of agreement with landowner to the south with an indicative plan required;

- Residential element has encroached into the open space zoning to the southwest of the application site but noted overall area of open space proposed is sufficient;
- Necessary figures/calculations not provided to provide opinion on density;
- Detailed phasing plan required having regard to delivery of western distributor road and east west link to main street;
- Development as proposed would materially contravene the LAP objective to provide 50% prior to delivery of link to WDR;
- If Board do not consider it materially contravenes plan require that applicant demonstrate that adjoining road network can accommodate increase in traffic as per concerns raised by Roads Authority in relation to traffic assessment undertaken;
- Phasing plan submitted includes commercial element in phase 2 which contradicts the design statement and should be delivered first;
- Innovation centre, civic space and southern junction onto main street not included in phasing map and applicant's proposals for the area should be clarified and junction necessary for Phase 1;
- Detailed design for southern junction required with northern junction proposed unacceptable as not considered to have sufficient capacity to cater for the traffic likely to be generated;
- Concern regarding reinstatement of streetscape and consider northern junction should be omitted or redesigned to accommodate just the commercial element allowing street be reinstated as per LAP (Kilcoole Town Character Area);
- Design of shopfronts should be more traditional with painted render favoured rather than red brick;
- Detailed design for civic space required as part of application with regard to be had to development recently permitted to south (Ref. 17/887) and concern regarding orientation of building and civic space addressing busy road;
- Cross-sections required to demonstrate usability of private open spaces (gradients) with reduction in standard for duplex units considered subject to conditions;
- Given topography of site, cross sections across site required;
- Concern over design of roads with long stretches considered contrary to DMURS, concern over internal road design and detailed design of possible link to the

south required with green route along the link road and cyclepaths in line with National Cycle manual;

- Proposed estate road between units 211,226, 210 and 202 appears unnecessary and could comprise a pedestrian link or space for two additional units;
- Access to apartments from rear of buildings (duplex) questioned (esp. units 57-68);
- Community facilities audit should be prepared;
- Concern expressed at clustering of Part V units and size of units proposed with no consultation prior to submission;
- Applicant to demonstrate sufficient capacity in Kilcoole River for surface water and no risk of flooding and removal of Mill Race will have no impact on surface water management;
- Consider proposal should connect to pumping station to south of development which connects to the Greystones WWTP rather than Kilcoole WWTP which is at capacity.

6.4. The Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 5th December 2017, commencing at 2:30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Transportation, Access and Traffic including design of junctions.
2. Action Plan and Phasing
3. Proposal and delivery of Civic Space
4. Flooding and Surface Water Management
5. Prospective Applicant's EIA screening
6. Archaeology
7. Water Supply Infrastructure and Wastewater Infrastructure
8. Any other matters

An Bord Pleanála sought further elaboration/discussion of the following:

Transportation, Access and Traffic including design of junctions and in particular the LAP objective relating to the proposed Western Distributor Road, the east west link to same, the proposal to provide two access points to facilitate the development onto Main Street, the distribution of traffic to junctions, the proposed turning lane for the northern access, the capacity of the proposed southern junction, DMURS,

Action Plan and Phasing including the phasing and design of the proposed commercial elements, the lands to south outside prospective applicant's ownership, need for crèche facility, inclusion of southern junction in phase 1.

Proposal and delivery of Civic Space including recent permission for development to south of farmyard lane, provision of community facility as part of application, not to rely on Part 8 process for delivery, noted that part of farmyard lane taken in charge.

Flooding and Surface Water Management including need for clear proposals on surface water attenuation and discharge rates, need to reference data used in Map C of LAP and CFRAM and details regarding the Mill Race.

Prospective Applicant's EIA screening including reference to area of the site within the town centre.

Archaeology including reference to response from the Department, ongoing investigations on site regarding anomalies noted on aerial photos and proposals to investigate Mill Race.

Water Supply Infrastructure and Wastewater Infrastructure including potential required for minor upgrades to water supply network and potential for connection to Greystones WWTP and suggestion that same is discussed with Irish Water.

Any other matters including Part V proposals and need to discuss with Housing Section, potential for creation of linear path connecting to Mass Path and green route objective for same. Quantum of parking proposed to rear of commercial units also addressed. Need for clarity on delivery of elements of proposal required.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am satisfied, notwithstanding the quantum of development proposed seemingly at variance with the objectives of AP9 of the Local Area Plan and objective R08, that given the submission of an appropriate statement in accordance with 8(1)(a)(iv)(l) of the 2016 Act, and the applicant's response to the 'Opinion', the matter can be further considered and determined at application stage.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory development plan and local area plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: roads proposals and layout and wastewater infrastructure details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Roads Proposals and Layout

1. Further consideration should be given in the documents as they relate to the rationale and design of the proposed site junctions to access the proposed development. This further consideration should justify the site access strategy, indicate the trip generation and design capacities at the junctions, and clearly indicate the proposed junctions' layout. All works required in the public realm to facilitate the necessary upgrade to both junctions should be clearly indicated in the documents and the prospective applicant should indicate how these works are to be delivered. The prospective applicant is advised to have further consultations with the Local Authority in relation to these matters. Further consideration should also be given in the documents as they relate to the design of the internal access roads particularly the proposed east-west link road which

traverses the subject site and to the provision of a cyclepath/walkway adjacent the route of the east-west link road. Regard should be had to the Design Manual for Urban Roads and Streets. The further consideration of these issues may require an amendment to the documents and/or design proposals.

2. Further consideration should be given in the documents as they relate to the orientation and design of the proposed civic plaza and community building proposed to address same. The further consideration of these issues may require an amendment to the documents and/or design proposals.

Wastewater Infrastructure

3. Further consideration should be given in the documents as they relate to the connection of the proposed development to the Kilcoole Wastewater Treatment Plant. The prospective applicant is advised to consult with Irish Water in relation to the strategy to be adopted concerning water supply and wastewater treatment for the development. The further consideration of these issues may require an amendment to the documents and/or design proposals.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed Cultural Heritage Assessment which addresses the concerns outlined by the Department of Culture, Heritage and the Gaeltacht in the correspondence received by the Board on 28 November 2017 (attached).
2. Detailed design of proposed surface water management system proposed including attenuation proposals.
3. A Flood Impact Assessment that should address, inter alia, flooding downstream of the site.
4. A detailed phasing plan for the proposed development should be provided.
5. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the

following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. The Minister for Culture, Heritage and the Gaeltacht (for archaeological heritage protection and nature conservation)
2. The Heritage Council
3. An Taisce
4. Inland Fisheries Ireland
5. Irish Water
6. Transport Infrastructure Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Una Crosse

Senior Planning Inspector

December 2017