



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-300692-18**

Strategic Housing Development	129 houses and a childcare facility
Location	Kilgarron Hill, Enniskerry. Co. Wicklow
Planning Authority	Wicklow County Council
Prospective Applicant	Bluetone Properties Ltd.
Date of Consultation Meeting	26 th February 2018
Date of Site Inspection	16 th February 2018
Inspector	Stephen J. O'Sullivan

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions 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

The site is inside the settlement boundary for the town of Enniskerry, Co. Wicklow. The town lies c 5km west of Bray in an elevated position on the slopes of the Wicklow Mountains. It had a population of 1,889 at the 2016 census. Its core is an estate village associated with the Powerscourt Demense. The village core is laid out around a triangle in a dell beside the Glencullen River. The rest of the town consists of houses built around the village in the 20th century in a rather haphazard manner. The site lies between 1.4km and 700m west of the centre of the village core. It has a stated area of 7.84ha and consists of land under pasture. It occupies a piece of land that is elevated over the level of the village and the wooded valley through which the Glencullen River flows to the north of the site. The site is relatively level, apart from its eastern end where there is a sharp fall towards the river. The site has two separate lengths of frontage onto the Glenree Road, which is a local road that runs west from Enniskerry along the northern edge of the demesne. The road is c5.4m wide and generally lacks footpaths, although isolated standings are provided at bus stops. A 10kV line crosses the site from east to west. A driveway crosses the site which leads to Parknasilloge House to the north, with a gate lodge standing at its junction with the road.

A small housing development of recent construction occupies a rectangular site of c0.8ha between the main part of the current site and the Glenree Road, named Parknasilloge Court. Its houses do not directly front the Glenree Road, although a footpath has been provided along the road in front of that scheme and parallel to its

internal access roads. Immediately to the east of that scheme lie 2 houses on their own plots along the road. A GAA club and pitch occupy another plot on the Glencree Road beside the eastern end of the current site. There are two 20th century housing estates on the other side of the road from the GAA club at the eastern end of the site, named Kilgarron Cottages. They share an access point onto the Glencree Road. Neither contains houses that directly front that road. To the west of the site there is a cluster of houses on both sides of the Glencree Road, some of which do have direct access onto that road. There is a sharp bend on the Glencree Road on the site frontage just before that cluster which seriously restricts visibility.

3.0 Proposed Strategic Housing Development

It is proposed to build 129 houses and a creche on the site. The houses would consist of 18 five-bedroom units; 46 four-bedroom houses; 59 three-bedroom houses; and 6 two-bedroom units. Each house would have 2 parking spaces. The creche would have a floor area of 286m². The floor area of the total scheme would be 18,683m².

Two parts of the landholding which are on zoned land are excluded from the prospective application site. 1.2ha is reserved for a school at the eastern end of the site, beside the GAA club and the proposed crèche. 1ha along the Glencullen Road beside the middle of the site is shown as reserved for enterprise uses.

The layout of the development would include two accesses from the Glencullen Road, but there would not be frontage development onto it. Internal streets would run parallel to the road in two locations. The larger houses would be at the western end of the development. A village green is shown in the middle of the site, opposite the school site, part of which is shown as reserved for a community facility. Each house would have 2 car parking spaces, with a further 10 for the creche.

4.0 Planning History

No previous applications for planning permission on the site were cited by the planning authority or the prospective applicant.

5.0 National and Local Planning Policy

5.1 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 section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities Guidelines for Planning Authorities'

5.2 Statutory Plan for the area

The Wicklow County Development Plan 2016-2022 applies. Policy HD13 of the plan states that apartments will generally only be allowed in town and village centres. Policy HD15 is that medium to large scale development should include a range of types including bungalows. The view north from the Glencree Road is protected prospect no. 5 in the development plan. The core strategy designates Enniskerry as a small growth town with a projected population of 2,302 in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry. The site is the larger part of 13.5ha which is zoned as Action Area Plan 1. The plan states that 2ha of the area shall be reserved for active open space (equivalent to the GAA pitch), 1 ha for employment uses, 1.2 ha for education use and 0.4ha for community uses including a community centre of at least 500m² with a playground of at least 400m². A maximum of 156 houses shall be provided on the rest of the area. Only 2 vehicular access points shall be allowed onto the Glencree Road. Policy ENN2 is that a full range of units sizes including 1 and 2 bedroom units shall be provided in all new housing areas with no more than 50% of the units in any development have more than 3 bedrooms or 125m² of floor area. Objective ENN11 includes the provision of a continuous footpath from Kilmalin to the village centre.

Section 6.7 of the town plan states that WWTP for the town has a design capacity of 6,000 pe, but that it accepts sludge from other locations.

The prospective applicant submitted an action area plan to the planning authority who approved it by executive order on 14th November 2017. The action plan provided for a distribution of uses on the zoned land and a layout for development which is similar to that provided in the proposed development. The planning authority's approval of the action area plan included a phasing scheme for the housing relative to the provision of other uses in the area, and required a distinct design for individual housing estates of no more than 60 units.

6.0 Forming of the 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.

6.1 Documentation Submitted

The prospective applicant submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, *inter alia*, scaled drawings (plans, sections and elevations), proposals for compliance with Part V of the planning act, an environmental report, an appropriate assessment screening report, an engineering services report and a completed pre-connection enquiry feedback form from Irish Water.

The response from Irish Water stated that it could facilitate connection to the proposed development but that upgrade works would be required to c500m of the

Irish Water network. As there are no plans to carry out such works, a contribution from the developer would be required to fund them.

The environmental report advised screening out the need for EIA, based on the scale and nature of the development relative to the applicable thresholds.

The appropriate development screening report noted that the site was within 80m of the Special Area of Conservation (SAC) at Knocksink Wood, which contained two priority habitats of alluvial forests and petrifying springs with tufa formation. It noted that the site was outside the catchment zones for the springs and that mitigation measures could prevent an impact on the development from the release of sediment or pollutants during construction. The developer has given commitments that the any potential impact on the SAC during occupation will be controlled by covenants restricting landscaping with invasive species. Anthropogenic pressures will be controlled in the manner stated in the Natura Impact Report prepared for the action area plan. Subject to such mitigation, the proposed development would not be likely to have significant effects on Natura 2000 site and an appropriate assessment is not required.

The engineering services report stated that sewerage from the eastern end of the development would need pumping. A surface water outfall to the town sewer would require a connection 1km from the site. SUDS principles are proposed, including permeable paving and attenuation tanks on the site.

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. This statement has been submitted, as required. It notes that the site is c1km from the village centre on lands zoned for an action area plan for mainly residential use w. It comprises the larger part of those lands. The proposed layout will not prevent development on other parts of the action area land. The development would provide a childcare facility with 42 spaces. It would connect to the existing watermain on the Glenree Road and would involve the laying of a new storm water sewer along that

road. It would comply with the sustainable urban residential guidelines by providing a natural extension of the village at a density of 20dph, as per section 6.12. 6m wide roads would be provided in accordance with DMURS with shared cycle/pedestrian path and traffic calming and kerb radii of 5-6m at the accesses to the site and 4.5m within it. The development would be provided in accordance with an action area plan agreed pursuant to the provisions of the county development plan which allowed the rearrangement of uses within the area. Apartments are not proposed, following policy CDP 13 of the development plan. The Department of Education has indicated that there is no current requirement for a school site, but one is reserved nonetheless in accordance with the requirements of the development plan.

6.2 Planning Authority Submission

A submission was received by An Bord Pleanála on the 7th day of February 2018. It included a record of a pre application meeting with the prospective applicants under section 247 of the planning act. The submission may be summarised as follows-

- The action area plan was agreed by the planning authority on 14th November 2017 subject to phasing controls. As no phasing plan has been submitted the proposed development would contravene the provisions of the county development plan.
- The proposed 129 houses would be equivalent to 20% of the existing housing stock in Enniskerry and 27.5% of the target housing stock for the town in 2022. This would comply with the core strategy of the development plan.
- The residential development complies with the use zoning of the site.
- The density of the proposed development is equivalent to 19.75 dph, if due weight is given to the number of proposed houses that would be more than 125m² in area. This accords with the R20 zoning which allows residential development up to 20 units per hectare.
- The layout of the development is generally satisfactory, but street no. 7 parallel the Glencullen Road may be unnecessary.

- The widespread use of brick in the house designs is a concern, and is the a poor visual link to the village and surrounding countryside. The houses at Nos. 85-87 should be set down on reflect to adjoining single storey units at Parknasillogue Court. An assessment is needed of the impact of the development on the protected view from the Glencree Road to Carrigollogan.
- A greater proportion of one and two bedroom units is required. Policy ENN2 caps the under of units in any development which are more than 125m² to 50%. Also there are no single storey units as required by policy HD15 of the county development plan.
- The provision for open space is generally acceptable. Proposals for a community use should have been provided.
- Pedestrian facilities should be provided along the whole road frontage, and an assessment should be made of pedestrian linkages to the village centre as required by objective ENN11. There is a concern that the development may become car dependent. Traffic modelling should determine whether right turning lanes are required on the Glencree Road at the access to the development. It is unclear whether the internal roads have been designed to a 30kph design speed. The proposed parking provision is satisfactory, except at units 63/72 where adequate manoeuvring space may not be available.
- There are concerns regarding the capacity of the existing storm water sewer and use of a pumped connection to the houses at the lower eastern end of the development. It might be better to have a storm water outfall to the stream in Knocksink Woods, although this would be subject to appropriate assessment.

6.3 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 26th February 2018, commencing at 14.30. 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 based on the agenda issued in advance which included the following issues-

1. The integration of the proposed development with the urban structure of Enniskerry, in particular the treatment of the Glenree Road and pedestrian connections to the village centre and objective ENN11 of the development plan; the relationship with other proposed uses in the action plan area; and connections with neighbouring development,
2. The rationale for the number and type of houses proposed, having regard to national policy on residential density and policy ENN 2 of the development plan, and proposals for compliance with Part V of the planning act and the phasing of development
3. The layout and specifications of streets within the development, having regard to the provisions of DMURS.
4. Screening for appropriate assessment and the SAC at Knocksink Wood
5. Foul and surface water drainage, including connection the public sewerage, pumping on site, capacity at the Enniskerry WWTP; SUDS measures; water supply.
6. Any other matters.

With regard to the integration of the development with the urban structure of the town, the representatives of An Bord Pleanála sought elaboration and discussion on the deficiencies of the Glenree Road, including the bad bend upon it and the lack of footpaths between the site and the village centre, as well as the rationale for the layout of uses in the action area plan land and their connection and integration with each other and the town. The prospective applicant responded that the site layout met the objectives of the action area plan and that the location of the creche beside the school on the land closest to the town centre was desirable. Footpaths could be provided along the frontage on the Glenree Road, with consultation with the council over further links to the town centre. The planning authority referred to the action area plan to which it had agreed and the accepted the need for proper connectivity, including a footpath.

With regard to density and housing mix, the representatives of An Bord Pleanála sought elaboration on the policy justification for the proposed development in these regards. The prospective applicant referred to the number of housing units allocated to the AAP 1 lands under the development plan and to section 6.12 of the urban residential guidelines regarding proper density on the edge of small towns. The planning authority clarified that there was a misprint in its submission regarding the core strategy of the development plan which actually allocates 245 residential units to Enniskerry.

With regard to the layout and specification of streets, the representatives of An Bord Pleanála sought further elaboration these matters and upon the parking and access arrangements for the creche that would be needed to avoid traffic and parking conflicts within the development and on the Glenree Road. The prospective applicant responded that it could provide narrower streets without a segregated cycle track, and that layout of around the community uses sought to promote pedestrian movement. The planning authority was satisfied with a reduction in carriageway width, but clarity would be requirement on the traffic calming on street 3.

With regard to the SAC at Knocksink Wood, the representative of An Bord Pleanála sought discussion on the implications of the scale of the development and its proximity to Knocksink Wood, as well as to the need to pump sewage from the lower part of the site nearest the SAC. The prospective applicant responded that lands not suitable for development within the catchment of the Tufa springs have been excluded from the Action Area Plan. No response has yet been received from the NPWS to a consultation request.

With regard to drainage and water supply, the representatives from An Bord Pleanála sought elaboration on these matters. The prospective applicant referred to proposals for separate surface and foul sewer connections. An alternative proposal for surface water runoff to a watercourse within the SAC would be subject to screening for AA. The water table on the site was high and there was little capacity

for surface water infiltration into the soil. The planning authority stated that foul sewerage was a responsibility of Irish Water. Pumping stations on the surface water sewer would be seen as part of a private development that would not be taken in charge.

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 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 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: integration of development with the rest of the town; the adjacent SAC; housing mix and density; streets; water supply and drainage; and the configuration of uses on the site and adjoining lands zoned under objective AAP1; 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:

1. Further consideration is required as to how best to achieve appropriate levels of integration of development on the site with the rest of Enniskerry (i.e. the town and adjoining sites), including the provision of safe and convenient connectivity in particular for vulnerable road users, cyclists pedestrians, etc. In this regard consideration should be given to the current of standard and nature of the Glenree Road, the absence of frontage development and pedestrian facilities along the entire road frontage and the restriction on visibility at the bend to the south-west of the site. Further consideration is

also required as to the provision of safe and convenient access to the crèche, community centre and school site, including minimising traffic conflicts arising from parking and turning movements. This may require possible amendment to the documents and/or design proposals submitted.

2. Further consideration of the potential for development on the site to have effects on the adjacent SAC at Knocksink Wood, and whether the proposed development would be likely to have significant effects on this Natura 2000 sites which would require it to be subject to an appropriate assessment.
3. Further consideration as to the mix of housing types required to cater for the needs of the community as a whole, as well as a planning rationale for the proposed density of housing with regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
4. The provision of proper streets, roads and footpaths in accordance with the applicable standards set out in DMURS, including the standards for junctions, carriageways, footpaths and cycle facilities along local, low-speed streets set out at sections 4.3 and 4.4, having regard to the need to constrain vehicular speeds and create a safe and comfortable environment for vulnerable road users. This may require possible amendment to the documents and/or design proposals submitted.
5. Further consideration and a detailed planning rationale as to the proper configuration of uses upon the landholding, having regard to the absence of a statutory basis for the action area plan and the viability or otherwise of commercial development in the area. This should also have particular regard to the need for a proper treatment of the Glenree Road and frontage onto it to facilitate the expansion of the town, and to the constraints on development on the lower land in the north-eastern part of the site due the requirement for effluent to be pumped from there, with the consequent increased requirements for maintenance and the risks of failure in close proximity to the

SAC at Knocksink Wood. This may require possible amendment to the documents and/or design proposals submitted

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. Irish Water
2. The Department of Culture, Heritage and the Gaeltacht (in the interests of nature conservation)
3. The Heritage Council (in the interests of nature conservation)
4. An Taisce (in the interests of nature conservation)
5. Inland Fisheries Ireland (with respect to the adjacent watercourses and the Glencullen River)
6. The Wicklow County Childcare Committee

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. Adequate information prepared with persons with suitable expertise as to the potential for the proposed development to effect the SAC at Knocksink Wood or any other Natura 2000 site which shall be in the form of an appropriate assessment screening report or a Natura Impact Statement as necessary to allow the board to fulfil its obligations under Part XAB of the

Planning and Development Act, 2000, as amended, and the Habitats Directive

2. A report prepared by a suitably competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets, 2013
3. A phasing scheme for any development
4. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of the wastewater treatment plant to cater for foul effluent from the proposed development
5. Proposals for compliance with Part V of the planning act

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.



Stephen J. O'Sullivan
Planning Inspector

14th March 2018

