



An
Bord
Pleanála

Inspector's Report ABP-301261-18

Development	Residential scheme comprising of 271 dwelling units
Location	Tinakilly, Rathnew, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/219
Applicant(s)	Keldrum Ltd
Type of Application	Planning Permission.
Planning Authority Decision	Split Decision
Type of Appeal	Third Party x 1
Appellant(s)	Seamus & Evelyn Ryan
Observer(s)	1) Woodside Residents Group 2) Henry Clarke 3) Sinéad Ryan
Date of Site Inspection	17 th July 2018
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	8
3.1. Decision	8
3.5. Planning Authority Reports	11
3.6. Prescribed Bodies	13
3.7. Third Party Observations	14
4.0 Planning History.....	14
5.0 Policy Context.....	14
5.1. National Planning Policy & Guidance.....	14
5.2. Development Plan.....	15
5.3. Natural Heritage Designations	16
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Applicant Response	17
6.9. Planning Authority Response	19
6.10. Observations.....	19
6.11. Further Responses	20
7.0 Planning Assessment	20
8.0 Principle / Policy Considerations.....	21
9.0 Conservation Impact.....	23
10.0 Drainage / Flooding.....	Error! Bookmark not defined.
11.0 Ecology	Error! Bookmark not defined.
12.0 Site Access & Traffic Impact	Error! Bookmark not defined.

13.0	Conservation Impact	Error! Bookmark not defined.
14.0	Drainage / Flooding.....	Error! Bookmark not defined.
15.0	Development Contribution.....	24
16.0	Ecology	Error! Bookmark not defined.
17.0	Other Issues.....	25
18.0	Screening for Appropriate Assessment.....	26
19.0	Environmental Impact Assessment.....	28
20.0	Recommendation	44
21.0	Refusal.....	45
22.0	Grant - Reasons and Considerations	45
23.0	Conditions	46

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 25ha is located at Tinakilly to the east of Rathnew Town, Co Wicklow. The lands are proximate to the M11 which links Dublin with Wexford and Rosslare Harbour. The Regional Road R750 bounds the site to the west. To the north, the site is bound by an access road, which leads to Tinakilly House which is located immediately northeast of the site and currently operates as a country House Hotel. Agricultural land (predominately arable) lies to the north of the access road.
- 1.2. To the south, the site is bound by a mix of low density residential houses and agricultural land. To the southeast site is bound by a residential property with an access road to Knockrobin Estate further to the south. Beyond the access road there is predominantly agricultural land. Knockrobin Estate is located southeast of the site and consists of a cluster of detached residential properties.
- 1.3. To the east there are agricultural lands (predominately arable) and a large detached residential property / farm. A small disused quarry is located close to the north eastern site boundary. Further to the east there is a tidal lough "Broad Lough" which is separated from the Irish Sea by a spit of sandy land. A number of industrial facilities and a wastewater treatment plant are located on the spit.
- 1.4. To the west much of the site is bound by Regional Road R570, beyond which lies agricultural land, a cemetery and properties located in Rathdrum Town. An industrial facility (formerly a grain store) but now in use as an oil storage depot and vehicle storage depot bounds the site to the northwest.
- 1.5. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I would also refer the Board to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The planning application submitted to Wicklow County Council on **2nd March 2017** comprised the following:
 - 369 residential units
 - The first phase of the new Rathnew Inner Relief Road and

- A new public park / active open space area of over 7 ha

2.2. The detail of the scheme can be set out as follows:

- 1-3 storey residential scheme comprising 369 dwelling units (289 house units, 56 duplex units, 16 apartment units and 8 studio apartment units) in the form of 8 1 beds, 91 no 2 beds, 118 no 3 beds, 140 4 bed units and 12 5 bed units
- First phase of new Rathnew Inner Relief Road (delivered in compliance with Road Objective RP2 of Wicklow Town - Rathnew Dev Plan) comprising 2 lane 6m carriageway with 2m footpaths and 2m wide cycle track on both sides, the upgrade of the Merrymeeting Interchange, a new junction (proposed Rathnew Inner Relief Road with Avenue serving Tinakilly Country House Hotel) and additional junctions within the site to serve the new development together with one additional vehicular access point along Avenue leading into Tinakilly Country House Hotel (Protected Structure).
- Scheme shall comprise of combination of units incl. detached, semi-detached, terraced, bungalow & dormer bungalow house units & apt & studio apartment units broken down into medium & low density areas.
- The medium density area comprise 152 residential units in form of 16 2 storey terrace units, 11 3 storey terrace units, 29 2 bed 2 storey terrace units, 22 3 bed 3 storey terrace units, 12 2 bed duplex units and 12 3 bed duplex units in 3 storey blocks, 22 3 bed 2 storey terrace units 2 2 bed 1 storey bungalow units, 2 3 bed 1.5 storey dormer bungalow units, and 16 2 bed apartment units over 8 1 bed studio apartment units in all 3 storey blocks.
- The Low density area comprises 217 units in form of 16 2 bed duplex units & 16 3 bed duplex units in 3 storey blocks, 24 3 bed 2 storey semi-detached units, 12 5 bed 2 storey detached houses, 40 4 bed 2 storey semi-detached units, 88 4 bed 3 storey semi-detached houses, 9 3 bed 2 storey detached units & 12 4 bed 2 storey detached houses.
- There is an option to provide for a variation to units B1,B2, A2 & A3.
- All residential units range in size from c44.5sqm - c214.75sqm and have associated private open space in form of either a rear and/or side garden or balcony/terrace area.

- 670 car parking spaces, 44 grouped bicycle parking spaces, public park, cycle & pedestrian paths/linkages, fitness equipment, fitness zones, adventure zones, kickabout areas, 8 public open spaces, landscaping works, bin storage, pedestrian access to Hotel, internal residential access roads & surface upgrading works, service & drainage, public lighting, site dev works

2.3. The application was accompanied by the following inter alia:

- Environmental Impact Statement
- Planning Report
- Community Infrastructure Report
- Design Statement
- Action Area Plan 1B
- Landscape Design Statement
- Appropriate Assessment Screening
- Arboricultural Report
- Preliminary Tree Survey Report

2.4. Further Information was requested on 25th April 2017. The applicant sought a time extension on 10th October 2017. Wicklow County Council granted a time extension to 24th January 2018 (3 months). Further Information was submitted on the **15th December 2017** and included a minor revision of the redline boundary to include the proposed foul water connection along the existing Avenue (leading to Tinakilly House Hotel) to the R750. The submission comprised the following key amendments:

Original Scheme	Further Information Scheme
Overall GFA 43,903.2 square metres	Overall GFA 41,206.75 square metres
Unit Numbers 369	Unit Numbers 355
Delivery of First Phase of New Rathnew Inner Relief Road New Public Park of Active Open Space	Delivery of First Phase of New Rathnew Inner Relief Road New access Road from the Proposed Link Road to provide a direct route to

	<p>the main area of the Active Open Space so the general public are not being routed through the housing development.</p> <p>Indicative proposals for Active Open Space intended for delivery as a separate Part 8 Application (A process which it is stated will be driven the applicant in association with Wicklow County Council)</p> <p>Removal of 25 Units proximate to Tinakilly House and replacement with Active Open Space</p> <p>Enabling works for Active Open Space area to be delivered as part of this planning application</p> <p>New Crèche Facility for 77 children and New Apartment Block</p>
<p>Mix</p> <p>8 x 1 beds</p> <p>91 x 2 beds</p> <p>118 x 3 beds</p> <p>140 x 4 beds</p> <p>12 x 5 beds</p>	<p>Mix</p> <p>22 x 1 beds</p> <p>77 x 2 beds</p> <p>117 x 3 beds</p> <p>129 x 4 beds</p> <p>10 x 5 beds</p> <p>(Type E Apartment Units have been revised removing the Studio apartments and replaced with 1-bed units)</p>
<p>Low Density Area (217 units) @ 27.8 units per ha</p> <p>Medium Density Area (152 units) @ 40 units per ha</p>	<p>Low Density Area (199 units) @ 28 units per ha</p> <p>Medium Density Area (156 units) @ 40 units per ha</p>
<p>670 Car Parking Spaces</p>	<p>649 Car Parking Spaces</p> <p>(632 for Residential and 17 for Crèche)</p>

	Additional on street parking has been incorporated into the scheme
44 Bicycle Spaces	115 Bicycle Spaces
Residential Public Open Space c.9,803 square metres Low Density Area (6,870 square metres) Medium Density Area (2,933 square metres)	Residential Public Open Space c.8,971 square metres Low Density Area (6,299 square metres) Medium Density Area (2,672 square metres)

2.5. A detailed phasing drawing has been proposed outlining the following:

- Phase 1 of the development including construction of the first phase of the relief road and low density housing east of the road in the north of the site
- Phase 2 of development will include low density housing and apartment east of the relief road in the south of the site
- Phase 3 includes medium density duplexes, houses and crèche west of the relief road

2.6. The submission was accompanied by the following inter alia:

- Further Information Report
- EIAR Addendum
- Schedule of Accommodation
- Landscape Design Statement
- Arboricultural Report
- Target Report & Geophysical Survey

2.7. Revised public notices were submitted on 5th January 2018.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. Wicklow County Council issued a notification of a split decision on the 27th February 2018 to grant permission for 271 dwellings, first phase of the new Rathnew inner Relief Road, crèche and passive open / active space subject to 28 conditions and to

refuse permission for 84 dwellings. The split decision may be summarised as follows:

3.3. Refusal (84 Dwellings):

Having regard to:

- a) *The location of the residential units and associated infrastructure on lands zoned for Active Open Space*
- b) *The lack of an agreed Action Area Plan for these lands (AAP1(b) The Clermont – Tinakilly Action Area Plan)*

It is considered that the development of these 84 no units and associated infrastructure would be premature pending the preparation of an open space strategy for Rathnew and would be contrary to the zoning objectives for this area as set out in the Wicklow Rathnew Development Plan 2016 – 2019.

3.4. Grant (271 Dwellings):

- 1) This grant of permission permits 271 dwelling units, first phase of the new Rathnew Inner Relief Road including the upgrade of the Merrymeeting Interchange, purpose built crèche, passive open space and Active Open Space, landscaping, services & drainage, public lighting and all site development works associated with and ancillary to those 271 units.
- 2) Section 48(1) Development Contribution Scheme in the amount of €2,359,891
- 3) Section 49(1) Supplementary Development Contribution Scheme in the amount of €1,507,972
- 4) Cash Security in the amount of €3,500,000
- 5) A single management company shall be established with the entire responsibility for the maintenance and repair of all infrastructural services and facilities necessary for the apartment development (Blocks 1-5) and House Type E
- 6) No development shall commence until contributions/submissions/agreements required by conditions: 2, 3, 4, 5, 7, 8, 9 10, 11, 12, 13, 14, 22, 23, and 24 have been submitted to and agreed

- 7) A detailed phasing plan for the development of all lands within the application site shall be agreed. The proposed section of the Rathnew Inner Relief Road and its intersection with the R750 Regional Road (Merrymeeting Interchange) shall be constructed to the written satisfaction of the Road Authority within phase 1. No occupation of the residential units shall occur until the proposed section of the Rathnew Inner Relief Road is completed. The crèche facility shall be delivered within phase 1 of the development. No development shall commence on foot of this grant of planning permission until the construction of the necessary up-grade works to the wastewater network between Rathnew and Wicklow have commenced and no occupation of the residential units shall occur until the works have been completed.
- 8) Final design details for the proposed section of the Rathnew Inner Relief Road together with all associated junctions, shall be agreed.
- 9) Compliance with Section 96 of the Planning & Development Act 2000, shall be agreed
- 10) Construction management plan shall be submitted to and agreed in writing
- 11) No development shall commence on site until written agreement has been reached with Irish Water that Irish Water will take in charge the proposed permanent pumping station when constructed
- 12) Detailed proposals for public lighting shall be agreed in writing with the Planning Authority.
- 13) A revised site layout plan which details the development as permitted under this application shall be submitted
- 14) A detailed schedule of all external finishes to the dwellings, apartments and crèche shall be submitted to and for the written agreement of Planning Authority.
- 15) A minimum of 4 no single storey bungalow units (House Type D) shall be provided within this scheme.
- 16) The design and layout of the public open space, shall accord with the requirements of the Community Development Section of Wicklow County Council

- 17) Open space areas shall be dedicated to the use of the residents. The maintenance of the open space shall be the responsibility of the developer until one year after the completion of all houses.
- 18) Landscaping, tree planting and boundary treatment shall be carried out in accordance with the plans and particulars prepared by Murray and Associates Landscape Architecture
- 19) The development shall, be carried out in accordance with the recommendations of the Arboricultural Report
- 20) The landscaping and tree planting shall be carried out before or during the first planting season
- 21) The proposed section of the Rathnew Inner Relief Road, as agreed under Condition 8 above shall be constructed in full by the developer.
- 22) The proposed housing estate roads and footpaths shall be constructed in accordance with specifications of Section 2 of "Recommendations for Site Development Works for Housing Areas"
- 23) Prior to commencement of development, a Stage 2 Road Safety Audit, shall be submitted. Prior to occupation of development a Stage 3 Road Safety Audit, shall be submitted.
- 24) Final design details of the surface / storm water drainage systems to be agreed
- 25) Estate and street names and numbering system shall be agreed with the Planning Authority
- 26) All service cables shall be located underground
- 27) The developer shall engage the services of a suitably qualified archaeologist to monitor all topsoil stripping/ general ground works associated with the development
- 28) Compliance with the Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local Government, 1998)

3.5. Planning Authority Reports

3.5.1. Planning Reports

3.5.2. **Case Planner** (24th & 25th April 2017) - Further Information requested in relation to the following as summarised:

- Revised site layout, phasing, housing max and design, childcare provision, active open space, private open space, timber cladding and visual impact,
- Impact on Tinakilly House (Protected Structure)
- Archaeology
- Traffic Hazard - Tinakilly House Avenue and Tinakilly Junction
- Transport Assessment / Traffic Impact Assessment
- Road Safety Audit
- Public lighting
- Provision of adequate car parking
- Elements of proposed Rathnew Inner Relief Road over an above needs of development
- Details of connection to a live public sewer
- Drainage – surface water / storm water drainage
- AA - Map identifying suitable feeding habitat to be submitted

3.5.3. Further Information was requested on **25th April 2017**

3.5.4. **Case Planner** (22nd February 2018) – Having considered the further information recommended that permission be granted for 271 dwellings, first phase of the new Rathnew Inner Relief Road, crèche and passive open / active space subject to 28 conditions and the refusal of 84 dwellings. The notification of a split decision issued by Wicklow County Council reflects this recommendation.

3.5.5. **Other Technical Reports**

3.5.6. **Wicklow County Childcare Committee** (14th March 2017) – A development of 369 dwelling units would require a crèche catering for between 72 and 92 children with suitable outdoor play space.

3.5.7. **Community Culture & Social Development** (18th April 2017) – The proposed development to include the provision of a sports ground for public use. Revised proposed to fulfil the requirements for a sports ground and a revised entrance to fulfil the “public” requirements for a public sports ground.

- 3.5.8. **Roads** (12th January 2018) – Having considered the further information submitted recommended that clarification be sought in relation to HGVs making a left turn manoeuvre onto the proposed Rathnew Inner Relief Road, costing and funding, access road to car park and changing rooms and access to the pumping station
- 3.5.9. **Housing** (11th February 2018) – Part V proposals are not in accordance with the Councils Part V policy.

3.6. **Prescribed Bodies**

- 3.6.1. **Irish Water** (31st March 2017) – Request further information. In a further report (15th January 2018) states that there is no objection to the scheme.
- 3.6.2. **Transport Infrastructure Ireland** (3rd April 2017) – The development shall be undertaken strictly in accordance with the recommendations of the TIA. In a further report (12th January 2018) and having considered the further information state that the Authority's position remains as set out previously.
- 3.6.3. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs** (Architecture) (6th April 2017) – The applicant to amend the proposed development so as to omit eastern most block of 25 houses.
- 3.6.4. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs** (Archaeology) (11th April 2017) – Due to the scale, extent and location of the proposed development and associated groundworks, there is a possibility that previously unidentified archaeological material / features may be impacted upon during the course of development. Archaeological Impact Assessment to be submitted.
- 3.6.5. **Inland Fisheries Ireland (IF)** (23rd January 2018) – Refers to their comments in March 2017. There is no previous report from IFI on the planning file and it is not referred to in the Case Planners report. Recommended that watercourses are maintained in the open natural state in order to prevent habitat loss, preserve biological diversity and aid pollution detention.

3.7. **Third Party Observations**

3.7.1. **Planning Application** - There are three observations recorded on the planning file from (1) Steven Van den Bergh, (2) Eileen Howell and (3) Seamus & Evelyn Ryan.

3.8. The issue raised may be summarised as follows: lengthy and disruptive construction period, proximity of foul pumping station to an existing dwelling, purpose of “adventure zone”, right of way and legal interest, housing on lands zoned Active Open Space is unacceptable, pedestrian access to right of way, intensification of houses and associated traffic using a private roadway, proximity to Tinakilly House Hotel (protected structure), impact to silvian tree lined avenue serving Tinakilly House Hotel to accommodate the new Rathnew Relief Road, the Relief Road should not come beyond the second entrance at the derelict cottage on the avenue to Tinakilly House Hotel and capacity in local schools.

3.8.1. **Further Information** - There is one observations recorded on the planning file in response to the further information submission from Steven Van den Bergh. The issue raised may be summarised as follows: proximity of foul pumping station to an existing dwelling in some drawings, purpose of “adventure zone” and “intensive sports zone”.

4.0 **Planning History**

4.1.1. There is no evidence of any previous appeal on this site.

5.0 **Policy Context**

5.1. **National Planning Policy & Guidance**

5.1.1. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)

- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated technical Appendices) (2009)
- Framework and Principles for the Protection of the Archaeological Heritage (1999)
- Architectural Heritage Protection Guidelines for Planning Authorities (Revised 2011)

5.2. Development Plan

5.2.1. The operative plan for the area is the **Wicklow County Development Plan** and the **Wicklow Rathnew Development Plan 2013-2019**.

- **Objective RP2** – Inner Relief Road where *the objective is to facilitate the development of a new inner relief road to the east of Rathnew Village (as shown on Map 12.1), which would facilitate access to new development from the existing road network, would prevent congestion at the Rathnew mini roundabout due to the development of AA1 and achieve good traffic circulation.*
- *The position, location and size of the lands use zonings shown on the land use zoning map associated with the this plan are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the Action Areas below. (Page 164)*

5.2.2. The appeal site forms part of the **Clermont – Tinakilly Action Area Plan** incorporating the following zonings:

- **Zone R1 – New Residential** where the objective is *to provide for new residential development at densities up to 40 units per hectare.*
- **Zone R2 – New Residential** where the objective is *to provide for new residential development at densities up to 28 units per hectare.*
- **Zone AOS – Active Open Space** where the objective is *to preserve, improve and provide for recreational public and private open space.*

- **Zone POS – Passive Open Space** where the objective is *to preserve, improve and provide for parks, recreational public and private open space, green corridors and ecological buffer zones.*

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within a designated Natura 2000 site. The relevant European sites Murrough Wetland SAC, Wicklow Reef SAC, Deputy's Pass Nature Reserve SAC, Magherabeg Dunes SAC, Vale of Clara (Rathdrum Wood) SAC, Buckroney-Brittis Dunes and Fen SAC, Carriggower Bog SAC, Wicklow Mountains SAC, Glen of the Downs SAC, Murrough SPA and Wicklow Head SPA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by Seamus and Evelyn Ryan, Tinakilly, Rathnew and may be summarised as follows:
- 6.1.2. **Inner Relief Road** - Phase 2 development of the inner relief road will connect to Newrath. This major road artery, comprising a two-lane carriageway with footpaths and cycle lanes on both sides will destroy the existing sylvan tree lined avenue which dates back a few hundred years.
- 6.1.3. **Further Development** - The fields to the left of Tinakilly Avenue are also owned by the same consortium and are zoned for residential development. There is no doubt that they will also apply to build an additional significant number of houses here thus adding further stress to this area.
- 6.1.4. **Ecosystem and Wildlife** - Tinakilly was described by the late Éamon de Buitléar as an area of outstanding, natural beauty and one of the finest examples of a sylvan avenue. Tinakilly is the natural habitat for thousands of wildlife including red kites, nesting egrets, badgers, rabbits, owls, bats and squirrels to name a few. The displacement of this wildlife is in our view an absolute crime, considering that this proposed development backs directly onto a protected nature reserve.

- 6.1.5. **Drainage** - The fields where the proposed development is situated drains onto natural flood plains. This development will exacerbate the existing drainage issues that are currently observed each year with moderate rainfall.
- 6.1.6. **Heritage and Tourism** - The environs of Tinakilly are also home to two protected structures (Tinakilly House and Broadlough House). Considered that the entire area should be a protected landscape. It is not coincidence that high profile individuals such as Bono, Rod Stewart, Nick Faldo, and Pierce Brosnan (to name a few) have all enjoyed stays here. Observed how other countries in Europe preserve their heritage such as Bruges in Belgium where hundreds of years ago town planners had the foresight to protect their heritage and today it is one of the most visited places in Northern Europe.
- 6.1.7. **Population** - There is already an abundance of proposed and existing housing developments that can cater for the demand of the village. The current population of Rathnew is approximately 3,370 (2016 census) and the village is approaching maximum capacity in their brand new schools. This development is not in the interest of the people of Rathnew.
- 6.1.8. **Feedback from Community** - Since launching their social media campaign on 23rd March, 2018 they have received significant support from the community who were not aware of the scale and impact of this development. Stated that at time of print they have 527 signatures opposed to this development.

6.2. Applicant Response

- 6.2.1. The first party response to the appeal(s) was prepared and submitted by Brock McClure, Planning & Development Consultants on behalf of the applicant. It is noted that the applicant has not appealed the spit decision of Wicklow County Council or any other aspect of the decision. The appeal response may be summarised as follows:

- 6.3. **Inner Relief Road** - The delivery of the portion of the Inner Relief Road as proposed in this case is in compliance with strategic objectives contained within the Wicklow – Rathnew Development Plan 2013 – 2019. The inner relief road has been the subject of architectural heritage impact assessment at planning application and Further Information stages and permission was granted for the relief road following

consideration of potential impacts. It is the view of both the applicant and the Planning Authority that the delivery of this inner relief road is required to release the residentially zoned lands for development. Furthermore, the location of the junction in question complies with the zoning map governing the lands.

- 6.4. **Further Development** - The Board is not in a position to comment on this matter given that the application boundary does not extend to the lands in question. Any intentions for these lands and any potential development that may be submitted for consideration by either the Planning Authority or An Bord Pleanála will be in full compliance with the statutory planning context governing such lands.
- 6.5. **Ecosystem and Wildlife** – Scott Cawley were commissioned to undertake an Ecological Impact Assessment and to prepare an AA Screening Report. During the Ecological Impact Assessment the potential for significant negative impacts during construction on local breeding bird populations in the absence of mitigation was identified. Numerous mature trees located within the proposed development site were identified as being suitable bat roosts and mitigation measures were identified. With regards to badgers no setts or latrines were recorded within the development site boundary. The AA Screening Report also examined the potential hydrological linkages that exist between the proposed development site and Natura Sites via surface water and foul water run-off arising from the proposed development. However no significant adverse effects were predicted.
- 6.6. **Heritage and Tourism** - The proposal was the subject of a full Environmental Impact Statement and Environmental Impact Assessment Report. The impact of the proposal on both the landscape and heritage of the area was comprehensively addressed at that stage. Reference to Broadlough House by the appellant is entirely inappropriate given that this property is located over 1 kilometre from the application site boundary. The performance of tourism in the local area is not a matter for consideration by the Board. Murray & Associates have prepared a quality landscape Masterplan for the site.
- 6.7. **Population** - The Wicklow Rathnew Development Plan 2013 – 2019, clearly sets a core strategy for the county, which contains key objective is to bring forward specific sites for residential development. In this regard, the Clermont – Tinakilly area is identified as having a theoretical maximum capacity of 837 residential units on lands

zoned R1 and R2. The current site is governed by R1 and R2 zoning objectives and following a 2-year pre-planning and planning application process, the grant of permission issued by Wicklow County Council addresses in part the requirements to deliver these housing units. Essentially, the current proposals deliver on one third of the requirement and it is expected that all remaining R2 sites identified within the Clermont/Tinakilly Area will deliver on the balance of units in this case.

6.8. **Feedback from the Community** - The current proposal for consideration by the Board has been the subject of a valid planning application made to Wicklow County Council. It is considered inappropriate for the Board to consider any social media campaign referred to by the appellant given that the applicant has proceeded in accordance with the proper planning practices. The public had appropriate time to comment at the initial stages of this application and again at Board stage by way of the observation process open to the public in response to the appeal lodged.

6.9. **Planning Authority Response**

6.9.1. There is no response from Wicklow County Council recorded on the appeal file.

6.10. **Observations**

6.10.1. There are 3 observations recorded on the appeal file from (1) Henry Clarke, (2) Woodside Residents Group and (3) Sinead Ryan.

6.10.2. The issues raised are similar to those raised in the appeal. The main points may be summarised as follows: proximity to the protected structure of Tinakilly House, the bisecting of the avenue, one of the finest examples of a sylvan avenue, that leads to Tinakilly House in favour of a carriageway is a major error, the avenue should be preserved, the avenue serves as a right of way to the lakes located at Broadlough and to lose this beloved walk would be progress, proximity to coastal and river flood plain, flood risk to the neighbouring lands, European level protected sites (Natural 2000) adjoining proposed development, hydrological and hydrogeological connectivity with the Murrough Wetlands Spa and SAC, potential archaeological find and online petition.

6.11. Further Responses

6.11.1. There are no further responses recorded on the appeal file.

7.0 Planning Assessment

7.1. The planning application submitted to Wicklow County Council on 2nd March 2017 comprised 369 residential units, the first phase of the new Rathnew Inner Relief Road and a new public park / active open space area of over 7 ha. Further Information was submitted on the 15th December 2017 whereby the scheme was revised down to 355 units and a crèche (77 children), 33 unit 2 and 3-storey apartment block and additional on street parking. Further the 25 units proximate to Tinakilly House were omitted and replaced with Active Open Space and the northern access into the development from the approach avenue to Tinakilly House was removed. Accordingly this assessment is based on the plans and particulars submitted on 2nd March 2017 as amended on 15th December 2017.

7.2. Wicklow County Council issued a notification of a split decision on the 27th February 2018 granting permission for 271 dwellings, first phase of the new Rathnew inner Relief Road, crèche and passive open / active space subject to 28 conditions and the refusal of 84 dwellings by reason of their location on lands zoned for Active Open Space and the lack of an agreed Action Area Plan for these lands (AAP1(b) the Clermont – Tinakilly Action Area Plan). The decision has been appealed by one third party. The first party has not appealed the decision. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Conservation Impact
- Ecology
- Development Contribution
- Screening for Appropriate Assessment
- Environmental Impact Assessment

- Other Issues

8.0 Principle / Policy Considerations

- 8.1. The proposed development as amended includes the construction of a substantial residential housing estate and new link road from the R750 in the south up to the Tinakilly Hotel Avenue. The amended housing development will include 355 new housing units and associated infrastructure located on the northern and western bulk of the site, with substantial open green space for landscape and recreation purposes dominating the southern and eastern areas of the site. The boundaries to the open spaces are lined with substantial buffer planting of native woodland trees.
- 8.2. The appeal site is located within the Clermont – Tinakilly Action Area Plan which is set out under the Wicklow Rathnew Development Plan 2013-2019. The Plan has been divided into two parts: (1) AAP1A to the north (Clermont) and (2) AAP1B to the south (Tinakilly). The appeal site is located within AAP1B. I note from the Case Planners Report that an Action Area Plan has not been agreed with the lands in AAP1B.
- 8.3. The appeal incorporates the following zonings:
- Objective RP2 – Inner Relief Road where the objective is to facilitate the development of a new inner relief road to the east of Rathnew Village (as shown on Map 12.1), which would facilitate access to new development from the existing road network, would prevent congestion at the Rathnew mini roundabout due to the development of AA1 and achieve good traffic circulation.
 - Zone R1 – New Residential where the objective is to provide for new residential development at densities up to 40 units per hectare.
 - Zone R2 – New Residential where the objective is to provide for new residential development at densities up to 28 units per hectare.
 - Zone AOS – Active Open Space where the objective is to preserve, improve and provide for recreational public and private open space.

- Zone POS – Passive Open Space where the objective is to preserve, improve and provide for parks, recreational public and private open space, green corridors and ecological buffer zones.
- 8.4. Overall I am satisfied that the proposed scheme as amended in terms of land use and the delivery of a section of the Rathnew Inner Relief Road accords with the zoning designation and objectives for the site save for a substantial number of dwellings located in an area identified for active open space which is discussed below.
- 8.5. With regard to concerns raised about population increase I would draw attention to the core strategy of the Wicklow - Rathnew Development Plan 2013-2019 that identified the appeal site for significant development and where it is stated that the development strategy of the plan is that lands closest to the core of Wicklow Town and Rathnew Village shall be considered first for development. Accordingly I am satisfied that the principle of development accords with the Core Strategy of the Development Plan.
- 8.6. With regard to the proposed crèche, I am satisfied in principle with its location, design and parking arrangement. The site does not contain any land within Flood Zone A. Flood Zone B runs along the south of the site, over lands proposed for open space which is acceptable. Overall I am satisfied that the proposed development (as amended) provides a suitable mix of housing, separation distance and car parking together with the quantitative requirements for private and public open space which are practical in terms of scale and layout. I am satisfied that the overall building form and layout responds to its site and context and will not detract from the visual amenities of the area. Accordingly there is no objection to the use, density, mix of tenure, layout and design of the development proposed (as amended).
- 8.7. However as highlighted by the Case Planner the proposed development includes proposals for the construction of 84 dwellings on lands which have been zoned for active open space. While the Wicklow Rathnew Development Plan does allow for the relocation of zonings within the action area and while proposals for same may be justified and deemed acceptable in principle it is noted that in this case an Open Space Strategy is being planned for Rathnew. I agree with the Case Planner that if the development of the lands zoned for Active Open Space are to form part of that strategy it is considered that to permit a reduction in the quantum of the lands zoned

for Active Open Space to facilitate residential development would be premature. Accordingly I agree with the approach of the Local Authority in their reason for refusal of 84 dwellings located on lands zoned for Active Open Space and recommended that the Board adopt a similar approach. Recommended that permission be refused for 84 units located on lands zoned for Active Open Space.

9.0 Conservation Impact

- 9.1. There is only one protected structure in the vicinity of the appeal site; Tinakilly House. There are no conservation areas in the vicinity and Tinakilly House is the only structure adjacent to the site that is included in the NIAH. Tinakilly House has well defined grounds which are bordered by a dense belt of trees. The trees immediately to the front of the house are younger and lower than those elsewhere along the boundary.
- 9.2. In the response to further information and to reflect the comments of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Architecture) (6th April 2017) the proposed layout was revised to eliminate the houses close to the boundary directly to the front of Tinakilly House. Cross Sections submitted with the further information indicate that the view over the top of the lower trees directly to the front of Tinakilly House would oversail the proposed new houses and would not therefore be visible from Tinakilly House due to the significant slope of the site. It is submitted that as a result of this change the proposed development to the south of Tinakilly House would not be visible from Tinakilly House or its grounds and there would be no further issue in relation to architectural heritage.
- 9.3. The proposal still includes the provision of a distributor road to cross the driveway so as to give access to the lands on the opposite side; this distributor road was envisaged in the Wicklow Rathnew Development Plan 2013-2019. However the revised layout now also excludes access to the housing development from the driveway to Tinakilly House and also excludes the proposed provision of footpaths alongside the driveway. It is proposed to cease the construction of the relief road south of the Tinakilly House Hotel access road, thereby preventing the use of the access road to access the proposed development. Proposals have also been

revised to retain as many trees as possible by way of the revised road access layout now submitted.

- 9.4. On balance I am satisfied that any potential or perceived impact on Tinakilly House and Avenue has been minimised in the final design.

10.0 Ecology

- 10.1. Scott Cawley were commissioned to undertake an Ecological Impact Assessment and to prepare an AA Screening Report. During the Ecological Impact Assessment the potential for significant negative impacts during construction on local breeding bird populations in the absence of mitigation was identified. Numerous mature trees located within the proposed development site were identified as being suitable bat roosts and mitigation measures were identified. With regards to badgers no setts or latrines were recorded within the development site boundary. As a precautionary measure it is recommended that should the Board be minded to grant permission that a condition be attached requiring that a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development.

11.0 Development Contribution

- 11.1. Wicklow County Council in its notification of decision to grant permission for 271 dwellings attached 2 no conditions requiring the payment of a Section 48(1) Development Contribution Scheme in the amount of €2,359,891 in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority (Condition No 2) and a Section 49(1) Supplementary Development Contribution Scheme in the amount of €1,507,972 as a contribution in respect of the Construction of the Wicklow Port Access and Town Relief Road benefiting development in the area of the Planning Authority (Condition No 3). The first party did not appeal either of these conditions
- 11.2. Wicklow County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) on 5th October 2015. While the majority of the proposed development does not fall under the exemptions listed in Section 5 (Table 5.1 refers) it is noted that a crèche is entitled to

a 50% exemption / reduction. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition, similar to Condition No 2 attached to the notification of decision to grant permission be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

- 11.3. Wicklow County Council has adopted a Supplementary Development Contribution Scheme under Section 49 of the Planning and Development Acts 2000 (as amended) on 14th November 2005 for a period of 20 years in respect of the Wicklow Port Access and Town Relief Road. The appeal site is located within the delineated catchment area of the scheme. While the majority of the proposed development does not fall under the exemptions listed in Section 13 it is noted that a crèche is entitled to a 50% reduction. It is recommended that should the Board be minded to grant permission that a suitably worded conditions be attached requiring the payment of a Section 49 Supplementary Development Contribution in respect of the Construction of the Wicklow Port Access and Town Relief Road benefiting development in the area of the Planning Authority in accordance with the Planning and Development Act 2000.

12.0 Other Issues

- 12.1. **Further Development** – The appellant identifies lands adjoining Tinakilly Avenue as also being owned by the developer and raises concern that they may apply to build additional significant number of houses here that would add further stress to this area. As pointed out by the applicant these lands are out with the boundary of the proposed scheme before the Board. Any future development proposals for these lands will be subject to the full rigours of the planning process
- 12.2. **Feedback from the Community** – The appellant submits that they have received significant support from the community (527 signatures) that are opposed to the scale and impact of this development. These signatories were not made available with the appeal. The current proposal for consideration by the Board has been the subject of a planning application and assessment by Wicklow County Council. I am satisfied that third parties have had an opportunity to comment at the initial stages of

this planning application process at local level and again at the appeal stage by way of the observation process.

- 12.3. **Phasing** – In the interests of orderly development and to ensure the timely delivery of the Inner Relief Road I recommend that a condition similar to Condition No 7 and 8 as set out in the notification of decision to grant permission be attached.

13.0 Screening for Appropriate Assessment

- 13.1. I have noted the Appropriate Assessment Screening Report and the further information prepared by Scott Cawley. The report sets out a description of the proposed development, identifies the Natura 2000 sites within 15kms of the development. The report examines cumulative impacts and concludes that the proposed development is located c280m from the nearest Natura 2000 sites. The proposed site does not overlap with any European Sites. No annex species or habitats were noted on site or in the vicinity of the proposed development. No significant impact on Natura 2000 sites are foreseen.

Table 1: Natura 2000 sites identified within 15km of the appeal site:

Natura 2000 Site	Site Code	Distance (km)
Murrrough Wetland SAC	002249	c280m (east)
Wicklow Reef SAC	002274	c5.1km (south east)
Deputy's Pass Nature Reserve SAC	000717	c7.6km (south west)
Magherabeg Dunes SAC	001766	c7.6km (south east)
Vale of Clara (Rathdrum Wood) SAC	000733	c10.6km (south west)
Buckroneys-Brittias Dunes and Fen SAC	000729	c10.8km (south east)
Carriggower Bog SAC	000716	c13.5km (north west)
Wicklow Mountains SAC	002122	c14km (west)
Glen of the Downs SAC	000719	c14.9km (north west)
Murrrough SPA	004186	c280m (east)
Wicklow Head SPA	004127	c3.5km (south east)

13.2. As identified above there are eleven European sites located within 15km of the appeal site. Site synopsis and the detailed conservation objectives for each of these Natura 2000 sites are available on the NPWS website. Generally the site specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

13.3. The Report examined the potential hydrological linkages that exist between the proposed development site and European Sites proximate to the site via surface water and foul water run-off from the proposed development. Having regard to the nature of the proposed development and the conservation objective of the Natura sites within the zone of influence, in particular the Murrough SPA and Murrough Wetland SAC, it is considered that the proposed development has the potential to affect the designated sites as follows:

- The loss of feeding habitat
- Disturbance particularly during construction
- Water quality deterioration and consequent eutrophication arising from surface water discharge

13.4. The Report identified a potential link between the proposed development site and the Murrough SPA in the case of the Special Conservation Interest bird species Black-headed Gull using the site as an inland feeding habitat. However the report concluded that there is no possibility of significant effects due to the following:

- The largest flock of Black-headed Gulls recorded within the site was c300 birds on only one occasion which is substantially below the threshold of international importance (i.e. 1% of the international population which is 20,000)
- The availability of suitable feeding habitat for Black-headed Gulls in the greater surrounding area
- Black-headed Gulls commonly utilise area of open space in urban locations such as playing pitches, public parks and greens spaces within residential / commercial estates, as inland feeding habitat. They are known to be an adaptable species that can exploit a variety of food sources. It is therefore

considered extremely likely that this species will utilise the areas of open space provided for in the proposed developments design

13.5. The report concluded that there will be no likelihood of significant effects on any European Sites during the construction or operation of the proposed development in combination with other plans or projects on the basis that:

- The significant terrestrial buffer that exists between the appeal site and the identified Natura Sites and the significant dilution and mixing within the receiving waters
- The Knockrobin WWTP and Murrough Pumping Station combined wastewater treatment system has sufficient capacity to support the overall development
- Surface water runoff generated from the proposed development site during operation will be treated prior to discharge into the existing streams
- The inclusion of SUDS in the drainage design

13.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Murrough Wetland SAC and Murrough SPA) it is reasonable to conclude on the basis of the information available, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An appropriate assessment (and submission of a NIS) is not therefore required.

14.0 Environmental Impact Assessment

14.1. This section of the report comprises an environmental impact assessment of the proposed development. Many of the matters considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the Planning Assessment such as ecology and conservation.

14.2. Schedule 5 of the Planning and Development Regulations 2001- 2015 sets out the relevant thresholds for different classes of development for the purposes of establishing if an Environmental Impact Assessment (EIA) is required. Schedule 5, Part 2, Class 10(b)(iv) requires an EIA for: “*Urban development which would involve*

an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of built up areas and 20 hectares elsewhere". The proposed development with a stated site area of c25 ha would exceed this figure thus an Environmental Impact Statement (EIS) has been submitted.

14.3. The application for the proposed development is accompanied by an EIS and further Addendum that set out the following:

- Describes the project and provides information on the site, design, size and particular features of the proposed development and the existing environment,
- Describes the likely significant effects of the project on the environment
- Describes the features of the project and/or measures envisaged to avoid, prevent, reduce, and if possible, remedy significant impacts,
- Provides a description of the site selection and consideration of alternative design and layouts, and an indication of the main reasons for the choice of layout put forward, taking into account environmental effects, and
- Includes a non-technical summary of the above information.

14.4. Chapters 1- 2 (Volume 1) of the EIS provide a project overview and a discussion of site selection and consideration of alternative layouts. Chapter 1 also outlines the competencies of experts who prepared the Report. Competencies are reasonable and consistent with the technical requirements of the EIS.

14.5. The EIS and Addendum are well presented and clearly laid out. I am satisfied that the level of information provided in the EIS together with other supplementary information provided by way of further information and available on the appeal file is such as to enable an assessment of the likely significant effects on the environment arising from the proposed development. Further, the information presented is such that it is in compliance with the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended.

14.6. The issues arising can be addressed under the following headings:

- Human Beings
- Ecology
- Soils, Geology and & Hydrogeology

- Water & Hydrology
- Air Quality & Climate
- Noise & Vibration
- Landscape and Visual Impact
- Transportation & Access
- Material Assets
- Archaeology, Architecture & Cultural Heritage
- Alternative Considered
- Interaction of the Foregoing

14.7. Human Being

14.7.1. I have considered all of the written submissions made in relation to human beings, in addition to those specifically identified in Chapter 3 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme focus upon the human environment proximate to the proposed development in terms of population profile, employment, land use and social patterns, human health and traffic congestion.

14.7.2. A proposal of this nature would have the following potential impacts during its operational phase:

- Construction employment
- Increase in population of the area
- Increase pressure on local resources
- Increase support and demand for local businesses and services
- Increase level of local traffic
- Change the character and appearance of the site
- Increase critical mass capable of supporting increased public transport options

14.7.3. The revised proposal as recommended to be permitted (271 units) will generate a total population of c 756 (271 x 2.79) based on the average household size in Wicklow County. This represents a beneficial impact for the area within the Wicklow

Urban and Wicklow Rural ED areas and is entirely compatible with the residential policies and objectives of Wicklow County Council as outlined in the Wicklow Rathnew Development Plan 2013 – 2016. The EIS states that based on a review of capacity available in the various primary and post primary school facilities within the area that there is sufficient capacity to cater for the development. Further the area of active open space has the potential to serve a variety potential of end users and is a welcome addition.

14.7.4. In addition to the creation of employment during the construction phase the scale of the development will inevitably lead to a noticeable impacts during the construction phase. These can largely be summarised as follows:

- Temporary increase in vehicular traffic
- Temporary increase in noise, dirt and dust
- Temporary increase in employment opportunities

14.7.5. The most significant impacts are associated with excavation and construction traffic. The residual impacts of the construction phases are a negative temporary impact upon the road network. No lasting impacts are expected and temporary impacts will be effectively managed through mitigation measures. It is envisaged that a construction management plan to be put in place between the contractor and Wicklow County Council prior to commencing work on site. These adverse impacts would generally be of short term nuisance nature and as such would not affect quality of life for existing residents in the long term.

14.7.6. Overall the comprehensive environmental assessment undertaken show that the proposed development will not result in a significant adverse effects upon the environment. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of population and human health can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on population and human health.

14.8. **Ecology**

- 14.8.1. I have considered all of the written submissions made in relation to ecology, in addition to those specifically identified in Chapter 4 of the EIS (and in other related Chapters and Addendum). The assessment considered the potential direct, indirect and cumulative impacts on biodiversity within the study area (zone of influence) of the proposed development. Scott Cawley Ltd was commissioned to undertake an assessment of likely significant effects on biodiversity from the proposed development at lands located at Tinakilly, Rathnew. An Appropriate Assessment Screening Report was also prepared by Scott Cawley to address the potential for likely significant effects on European Sites.
- 14.8.2. The site is generally comprised of improved agricultural lands, hedgerows, mixed broadleaved woodland and some relatively small patches of wet grassland, dry meadows and grassy verges and scrubs. The zone of influence was regarded to be relatively limited and less than 1km from the site perimeter. There are 9 Natura 2000 sites within 15km of the proposed development. The closest European Sites are the Murrough Westland cSAC (002249) and the Murrough SPA (004186) which are both located c280m east of the proposed development site.
- 14.8.3. There are no records of rare or protected species within the site or environs. Key sources of potential significant impact arising from the proposed development have been identified as a result of surface water run-off, temporary noise, vibration and physical disturbance, vegetation removal and accidental spread of invasive and temporary lighting during construction and permanent lighting during operation. Before implementation of mitigation the proposed development could result in a range of significant impacts which include:
- Habitat loss as a consequence of vegetation clearance and the accidental spread of invasive species
 - Impacts to bats as a consequence of lighting and tree removal and
 - Impacts to breeding birds via noise, physical disturbance or direct habitat loss of suitable breeding habitat
- 14.8.4. Mitigation measures for impacts include:
- Implementation of pollution prevention measures and adherence to best practise guidelines during construction

- Implementation to specific measures to reduce any potential impact to retained trees, hedgerows and areas of woodland
- Avoidance of vegetation clearance within area where invasive species were identified. In the event where this is not possible, these species will be appropriately managed in accordance with advice from a suitably qualified invasive species specialist
- Trees with potential to support roosting bats will be assessed by a suitably qualified and licensed bat surveyor prior to clearance works
- Lighting during construction and operation to follow relevant current guidance in order to minimise impacts on bats. Final lighting plan to be reviewed by a qualified bat ecologist and
- Timing of works outside the breeding bird season

14.8.5. Following the implementation of mitigation measures no significant residual impacts are predicted.

14.8.6. Further no potential impacts on any of the key ecological receptors will arise as a consequence of the proposed foul water connection extension along the existing Avenue to the R750. This is due to the fact the Avenue consists entirely of hardstanding which is of no ecological importance or value and there are no ecologically sensitive habitats e.g watercourses are located directly adjacent to this Avenue that could potentially be impact during the construction stage of this connection.

14.8.7. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of ecology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on ecology.

14.9. **Soils, Geology and Hydrogeology**

14.9.1. I have considered all of the written submissions made in relation to soils, geology and hydrogeology, in addition to those specifically identified in Chapter 5 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the revised scheme assesses and evaluates the potential impacts

associated with the construction and operational phases of the development on the soil, geology and hydrogeology of the site and surrounding area.

- 14.9.2. The proposed development is to be located in undeveloped agricultural lands which covers three fields subdivided by hedgerow and ditch field boundaries. The soil underlying the majority of the site is described as poorly drained acidic mineral soil derived sandstone and shale. The underlying bedrock is a locally important aquifer. The overall potential for contaminated lands to be present on the site is considered to be low.
- 14.9.3. The construction phase of the proposed development will impact on the ground and geological conditions but will only have minor effects on the geomorphology of the area as construction will largely mirror the existing topography with the exception of the south western section of the relief road. During construction there is a risk of accidental pollution incidences from spill and leaks from vehicles and use of chemicals and concrete. Further the source of structural material and aggregate imported to the site will be selected in order to minimise transportation and ensure that it is “clean”. Other than permeable paving there will be no direct discharges to groundwater or to the soil environment during the operational phase. Once operational the geology on site will be protected from the elements.
- 14.9.4. The nature of the proposed development dictates that the greatest potential impact on soil, geology and hydrogeology associated with the development will be in the construction phase and a variety of mitigation measures will be implemented to mitigate risks. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of soils, geology and hydrogeology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on soils, geology and hydrogeology or human health.

14.10. Water & Hydrology

- 14.10.1. I have considered all of the written submissions made in relation to water and hydrology in addition to those specifically identified in Chapter 6 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the

amended scheme assesses and evaluates the potential impacts upon the water environment as a result of constructing and operating the proposed development in the vicinity of the site.

- 14.10.2. Regionally the site lies within the Eastern Water Framework Directive River Basin district within the Avoca Vartry Hydrometric Area. The site is located approximately 500m from Broad Lough Estuary and 1km from the Irish Sea. A number of drainage ditches cross the site, coincide with the location of existing field boundaries that drain to the Glebe Stream. The river quality for the Rathnew Stream is “Good Status”.
- 14.10.3. Historically Rathnew has been impacted by both fluvial and tidal flooding. However none of the available information suggest that the development site itself has been directly impacted by any historic flood events. The majority of the development site has a low probability of flooding (Flood zone C). However a small proportion of the development site (less than 5%) along the southwestern site boundary has moderate or high probability of flooding (Flood Zones B and A). These areas encroach on the extent of the 1% and the 0.1% Annual Exceedance Probability (AEP) events (i.e. 100 year and 1000 year flood events). All residential properties are proposed to be located in Flood Zone C with area of green space, including a woodland nature walkway within.
- 14.10.4. It is proposed that foul sewerage will drain through gravity foul networks to a foul pumping station. From the pumping station it is proposed to pump the foul discharge via a rising main to an existing public foul sewer manhole located on the southern side of the R750. There is an existing public watermain located along the northern side of the R750 from which it is proposed to supply medium and low density residential developments via looped watermains.
- 14.10.5. The proposed development will increase the area of hardstanding on the existing site through the inclusion of new houses and paved areas. Unmitigated this will lead to an increase in the volume of rainfall runoff generated on the site. However a drainage strategy has been developed for the site which will reduce post development runoff rates to greenfield rates through the incorporation of SuDS. Excess runoff will drain via an attenuation system to the Glebe Stream. Separate

attenuation systems are proposed for low and high density residential area and the relief road.

14.10.6. The nature of the proposed development dictates that the greatest potential impact on surface waters associated with the development will be in the construction phase from activities such as discharge of construction materials, uncontrolled sediment erosion, refuelling facilities, increased run off etc. In order to prevent / minimise potential impacts, it was necessary to devise mitigation measures to be adopted as part of the construction works on site asset out in the EIS. The operational phase of this development is unlikely to have any significant adverse impacts on the local water environment / hydrology due to the environmental design consideration incorporated into the development.

14.10.7. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of water and hydrology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on water and hydrology.

14.11. Air Quality & Climate

14.11.1. I have considered all of the written submissions made in relation to air quality and climate in addition to those specifically identified in Chapter 7 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme considers the baseline air quality and climatic conditions associated with the affected area, in light of the expected construction and operational impacts of the proposed residential development.

14.11.2. The impacts and resulting effects that development generated traffic flows and traffic reassignment from new highway infrastructure would have upon local air quality have been assessed. A qualitative assessment has also been undertaken of the residential development in relation to climate change and sustainability regulatory and policy framework documentation. The impacts of airborne dust generated by construction activities have also been assessed. The assessment concluded that the predicted total concentration of Nitrogen Dioxide and Particulate Matter at each receptor is predicted to be well below the air quality standard limit

values for the protection of human health. It is stated that the receptors are predicted to experience an imperceptible change in pollutant concentration due to the proposed development.

14.11.3. Considering the sensitivity of surrounding lands uses, proximity to the works and the ameliorative, remedial or reductive measure described in Section 7.7 of the EIS the construction related impacts of the residential development on air quality and climate are likely to be negligible.

14.11.4. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of air quality and climate can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on air quality or climate.

14.12. Noise & Vibration

14.12.1. I have considered all of the written submissions made in relation to noise and vibration in addition to those specifically identified in Chapter 8 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme assesses and evaluates the potential noise and vibration impacts of the development.

14.12.2. The main potential noise impact of this development will occur during the construction phase of the project. Construction noise will result in a temporary impact on the noise climate on the area and are not predicted to give rise to excessive and sustained construction noise levels. There is potential for ground vibration due to the construction phase works which will mainly be derived from excavation. It is stated that the National Roads Authority limits will be adhered to at all times during the construction phase of the project.

14.12.3. The operational phase of the proposed development is not expected to cause any significant noise impact to the nearest sensitive receptors due to the lack of significant noise sources proposed. Road traffic associated with the proposed development on the local roads will represent a <5% increase in traffic flow and as such no significant noise impact is expected. There will be a limited amount of

mechanical and electrical services used to service the pump station of this development.

14.12.4. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of noise and vibration can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on noise or vibration.

14.13. Landscape & Visual Impact

14.13.1. I have considered all of the written submissions made in relation to landscape and visual impact in addition to those specifically identified in Chapter 9 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme of the revised development provides a means of appraising the effect the proposed development would have on the receiving environment in terms of quality of landscape – both physically and visually.

14.13.2. Having regard to both the Wicklow County Development Plan 2016-2022 and the Wicklow – Rathnew Development Plan 2013 – 2019 the site does not possess any significant features of note or trees that require protection. No listed views of scenic routes are identified within the lands or will be affected by the development within the site. The site is located within an “Urban Area” as designated in the Wicklow County Development Plan 2016 – 2022. The lands that the site area in have been zoned for significant residential development within the Wicklow – Rathnew Development Plan 2013 – 2019.

14.13.3. Although this is a relatively open site, views in from the north and east are somewhat restricted by the enclosed nature of the agricultural field patterns and the existing sloping topography. In visual terms the most visible element of the development will be the general massing of residential units within the site. General heights are two storey with the apartments to the south rising to three storeys.

14.13.4. In the medium to long term the landscape effects due to the completed development would overall be slightly negative, particularly considering the low sensitivity of the lands and the existing residential zoning designation within the Rathnew – Wicklow Development Plan 2013 – 2019. In the longer term there will be

some slightly negative visual effects to houses immediately adjacent to the site, with imperceptibly negative or neutral visual effects to the remaining residential receptors. Landscape works are proposed to reduce and offset any effects generated due to the proposed development where possible. Monitoring of the mitigation measure forms part of the landscape management plan. Light spill is minimised through the use of directional LED fittings.

14.13.5. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of landscape and visual impact can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on landscape or visual impact.

14.14. Transportation & Access

14.14.1. I have considered all of the written submissions made in relation to transportation and access in addition to those specifically identified in Chapter 10 of the EIS (and in other related Chapters). The application was accompanied by a Transport Assessment. The Section of the EIS and Addendum pertaining to the amended scheme sets out the existing receiving environment in terms of road conditions, traffic activity and transportation accessibility in terms of construction traffic activity and post development operational traffic and any mitigation measures that are required.

14.14.2. The Traffic Assessment has demonstrated that the amended layout can be accommodated by forming the site access as a fourth arm of the existing R750 / Hawkstown Road signalised junction (Merrymeeting Interchange). The following junction has been assessed using the appropriate modelling software:

- The Merrymeeting Junction – R750 / Hawkstown Road / Relief Road interchange (signalised junction)
- Rathnew Village roundabout – R750 / R772 (Roundabout Junction) and
- Drumkay Junction – R750 / Drumkay Road (Signalised Junction)

14.15. The foregoing assessments have demonstrated that the proposed development will have negligible impact on the surrounding network. The residual impacts of the construction phase are a temporary negative upon the road network.

14.15.1. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of transportation and access can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on transportation and access.

14.16. Material Assets

14.17. I have considered all of the written submissions made in relation to Material Assets, in addition to those specifically identified in Chapter 11 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme of the revised development evaluate the impacts which the proposed residential development may have on material assets. Material assets are defined as 'resources that are valued and that are intrinsic to specific places, they may be either human or natural origin and the value may arise for either economic or cultural reasons'. They can be economic assets of natural or human origin, or cultural assets.

14.18. It is submitted that the proposed development will have no negative impacts on local property prices. The development will be serviced by local electrical, water / wastewater, gas and telecom networks. Although the development will represent additional demand on these service networks, the lands have been zoned for development under the Wicklow – Rathnew Development Plan 2013 – 2019. Discussion with service providers have not identified capacity issue on these networks.

14.19. During construction, fuel for construction related machinery will be one of the main resources used. Use of natural resources, especially water, will be kept to a minimum during the construction phase. During the operational phase there will be on going resource requirements which will reflect the residential nature of the development. There will be some impact on the two hotels in the area during the construction phase due to traffic and noise. In the operation phase of the development access will be improved to Tinakilly House Hotel. Hunters Hotel will be unaffected by the scheme.

14.20. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of material assets can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on material assets.

14.21. Archaeology, Architecture & Cultural Heritage

14.22. I have considered all of the written submissions made in relation to archaeology, architecture and cultural heritage, in addition to those specifically identified in Chapter 12 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme assesses the impact on the archaeology, architecture and cultural heritage resource of a proposed residential development at this appeal site.

14.23. There are no recorded monuments located within the proposed development area. However much of the proposed development area occupies a southerly slope and it is in close proximity to the coastal resource. As such this area would have been an attractive location for human habitation and for that reason possesses a general archaeological potential. It is possible that ground disturbances associated with the construction of the proposed development may have a direct, negative impact on archaeological remains that have the potential to survive beneath the current ground level, with no surface expression. It is recommended that an archaeological assessment be carried out prior to construction.

14.24. There is only one protected structure in the vicinity of the appeal site; Tinakilly House. There are no conservation areas in the vicinity and Tinakilly House is the only structure adjacent to the site that is included in the NIAH. Tinakilly House has well defined grounds which are bordered by a dense belt of trees. In the Addendum to the EIS the and to reflect the comments of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Architecture) (6th April 2017) the proposed layout was revised to eliminate the houses close to the boundary directly to the front of Tinakilly House. Cross Sections submitted with the further information indicate that the view over the top of the lower trees directly to the front of Tinakilly House would oversail the proposed new houses and would not therefore be visible from

Tinakilly House due to the significant slope of the site. As a result of this change the proposed development to the south of Tinakilly House would not be visible from Tinakilly House or its grounds and there would be no further issue in relation to architectural heritage.

14.25. The revised layout now excludes an access to the housing development from the driveway to Tinakilly House and also excludes the proposed provision of footpaths alongside the driveway. The proposal still includes the provision of a distributor road to cross the driveway so as to give access to the lands on the opposite side; this distributor road was envisaged in the Wicklow Rathnew Development Plan 2013-2019.

14.26. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of archaeology, architecture and cultural heritage can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on archaeology, architecture and cultural heritage.

14.27. Alternatives

14.27.1. I have considered all of the written submissions made in relation to alternatives in addition to those specifically identified in Chapter 13 of the EIS (and in other related Chapters). The Section of the EIS and Addendum pertaining to the amended scheme considers the design evolution process and outlines three different site layouts that were assessed prior to finalising the development proposed therein. The EIS provides a detailed analysis of how each proposed variation to the development scheme had the potential to impact all environmental factors assessed therein.

14.27.2. In view of the zoning objective for the site it is accepted that the scope for consideration of alternatives is limited. Having regard to the particular characteristics of the proposed development, I consider that the applicant has adequately identified and described reasonable alternatives which are relevant to the project and the main reasons for the option chosen.

14.28. Interaction of the Foregoing

14.29. I have considered all of the written submissions made in relation to Interaction of the Foregoing, in addition to those specifically identified in Chapter 14 of the EIS and in other related Chapters and the Addendum pertaining to the amended scheme.

14.30. The main interactive impacts arising from the proposed development are human beings, landscape, ecology, noise and vibration, material assets, soil and geology, archaeology, architecture and cultural heritage and traffic related impacts and, in my opinion, have been adequately addressed in the EIS. The effects of the interactions between humans and noise and vibration, air quality, visual impact, and material assets, between ecology and, hydrology, and soils, and between landscape and the natural environment and cultural heritage are implicit in the range of preceding issues listed

14.31. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur, having regard to the nature of the proposed development, mitigation measures or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

14.32. **Reasoned Conclusions of Significant Effects**

14.33. Having regard to the examination of the environmental information contained above, and in particular to the EIS and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A significant positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the town
- A significant positive impact on Tinakilly House, a protected structure by improving the visual setting for the protected structure through the removal of houses close to the boundary directly to the front of Tinakilly House and the exclusion of an access to the housing development from the driveway to Tinakilly House

- Noise and vibration impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction;
- Impacts on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Impacts on water which will be mitigated by the proposed surface water system and attenuation with respect to stormwater runoff
- Impacts to traffic will be mitigated by measures to manage construction traffic set out in the EIS and the delivery of the new inner relief road.

14.34. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

15.0 Recommendation

15.1. Having considered the contents of the application (as amended), the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that a **SPLIT DECISION** be issued granting permission for 271 dwellings, the first phase of the new Rathnew inner Relief Road, crèche and passive open / active space and that permission be refused for 84 dwellings on lands zoned for Active Open Space comprising the following

- House type Ha – Units 27, 34, 35, 40, 41 and 46 (6 no units)
- House Type H – Units 24–26 inclusive, 36-39 inclusive, 42-45 inclusive (17 no units)
- House Type J – Units 41-52 inclusive, Unit 69, Units 72-76 inclusive (18 no units)
- House Type Ja – Units 70 and 71 (2 no units)
- House Type F – Units 15-22 inclusive (8 no units)
- House Type B – Units 1-32 inclusive (32 no units)
- House Type K – Unit 04 (1 no unit)

- All site works associated with and ancillary to those 84 no units and services including estate roads, footpaths parking facilities and open space.

15.2. For the reasons and considerations set out below.

16.0 Refusal

16.1. Having regard to:

- c) The location of the 84 no residential units and associated infrastructure on lands zoned for Active Open Space
- d) The lack of an agreed Action Area Plan for these lands (AAP1(b) The Clermont – Tinakilly Action Area Plan)

It is considered that the development of these 84 no units and associated infrastructure would be premature pending the preparation of an open space strategy for Rathnew and would be contrary to the zoning objectives for this area as set out in the Wicklow Rathnew Development Plan 2016 – 2019.

17.0 Grant - Reasons and Considerations

17.1. Having regard to

- (i) the site's location on lands with a zoning objective for residential development and policy provisions in the Clermont – Tinakilly Action Area Plan as set out in the Wicklow Rathnew Development Plan 2013-2019,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness,
- (iv) to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing and Planning and Local Government, March 2018,

- (vi) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (vii) the availability in the area of a wide range of social infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing architectural heritage and character of the area 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.

18.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 2nd March 2017, as amended by the further plans and particulars submitted on the 15th December 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. Prior to the commencement of development, final design details for the proposed section of the Rathnew Inner Relief Road (from and including the proposed junction with the Regional Road (R750) to the point where it terminates within the site), together with all associated junctions, shall be submitted to and for the written agreement of the Planning Authority. All proposed works shall be designed to the requirements and specifications of

the Road Authority.

Reason: In the interests of traffic safety and proper planning and development.

3. Prior to commencement of work on site the applicant shall submit for the written agreement of the Planning Authority a detailed phasing plan for the development of all lands within the application site. This phasing plan shall accord with the conditions set out in this grant of permission and shall, unless otherwise agreed in writing with the Planning Authority, comply with the following:

a) **Residential** - The development of these lands shall be carried out in three phases with the delivery of the Residential units phased in accordance with the following:

- Phase 1 – 80no units (c30%)
- Phase 2 – 80no units (c30%)
- Phase 3 – 111no units (remaining c40%)

b) **Open space** - No development shall commence on the residential units until detailed proposals for the design, layout and delivery of the public open space (Passive and Active) within the application site have been submitted to an agreed in writing with the Planning Authority. Public open space (both Passive and Active) shall be delivered in tandem with the residential development, as follows:

- Phase 1 – 30% (c4.5ha)
- Phase 2 – 30% (c4.5ha)
- Phase 3 – 40% (c6ha)
- No occupation of the final 55 no units (c20% of the residential development) shall occur until the public open space is completed

c) **Road Infrastructure** - The proposed section of the Rathnew Inner Relief Road and its intersection with the R750 Regional Road (Merrymeeting Interchange) shall be constructed to the written satisfaction of the Road Authority within Phase 1.

No occupation of the residential units shall occur until the proposed

section of the Rathnew Inner Relief Road is completed to the written satisfaction of the Road Authority and is open to traffic.

- d) **Crèche Facility** - The crèche facility shall be delivered within phase 1 of the development.
- e) **Services** - No development shall commence on foot of this grant of planning permission until the construction of the necessary up-grade works to the wastewater network between Rathnew and Wicklow have commenced and no occupation of the residential units shall occur until the works have been completed.

Reason: In the interests of orderly development, traffic safety, public health and the proper planning & sustainable development.

- 4. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

Reason: In the interest of nature conservation.

- 5. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

7. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

8. 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.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of urban legibility.

11. 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 within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interest of sustainable waste management.

13. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. The site and construction works required to implement the development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturday and not at all on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of adjoining residential properties.

15. The development hereby permitted shall be carried out and completed at

least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

16. Prior to commencement of work on site the developer shall agree in writing full details of a legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services associated with the apartment blocks of this development including drains, sewers, watermains, public lighting, paths, open spaces and refuse storage areas.

Reason: To ensure the satisfactory maintenance of the site in the interest of visual and residential amenity.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. 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 housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

21. The developer shall pay to the planning authority a financial contribution in respect of Wicklow Port Access and Town Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

Mary Crowley

Senior Planning Inspector

24th July 2018