



An
Bord
Pleanála

Inspector's Report ABP 301391 - 18

Development	Demolish agricultural buildings, erect film studios, construct 848 car spaces.
Location	Kellystown, Ashford, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/163
Applicant(s)	Ashford Studios Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party v Grant
Appellant(s)	Emily Olive Hill/Sharon Hughes
Observer(s)	None
Date of Site Inspection	11 th October 2018
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 27.8ha and comprises an agricultural holding divided into separate fields. The application site is, generally, enclosed within a larger landholding (illustrated on drawing 458-01-16A submitted to the PA on the 15TH February 2017). The site is north of a local road (L5068/Trinity Lane) and has three access points onto that road. This landholding begins to the south close to Ashford village and is located on both sides of Trinity Lane which effectively bisects the holding. The holding includes, the current site, Ashford studios which are accessed from the R772 to the south and just north of Ashford village and Ballyhenry House which is accessed over a private laneway off the R772 south of its roundabout junction with Trinity Lane. There are several signs on the public road and within the landholding stating that the farm is an organic farm and asking persons not to enter the individual fields. The area within the landholding which includes the site is crisscrossed with unmetalled access tracks between individual fields. The agricultural sheds proposed for demolition are centrally located within the site and comprise largely fodder storage and perhaps animal housing.
- 1.2. Trinity Lane runs east to west from a roundabout on the R772 (former N11) to a junction with the R764 Ashford to Roundwood regional route. The three access points to the site are from Trinity Lane (L5068). To the east of the site is the M11 motorway and the general area and Ashford village are accessed from junction 15 on the M11. The western site boundary is along an internal access road which runs north from Trinity Lane (L5068) and the western boundary of the landholding, of which the application site forms part, is along the R772. The eastern access to the site is also from Trinity Lane (L5068) but close to its roundabout junction with the R772.

2.0 Proposed Development

- 2.1. Film studios with ancillary facilities in twelve buildings A, B, B1, B2, C, C1, C2, D, E, F, F1 and F2 to accommodate film making, support offices, visitors centre, costume

storage, make up room, set construction, paint shop, plaster shops, metal shop, timber shop, electrical, special effects, chemical store, set assembly and toilets.

- Building A is four storeys, has a gross internal floor area of 9,912 square metres with a total height of 16.8 metres.
- Building B is three storeys, has a gross internal floor area of 7,990 square metres with a total height of 16.8 metres, building B1 is four storeys, has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres, building B2 is four storeys has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres,
- Building C is three storeys, has a gross internal floor area of 7,925 square metres with a total height of 16.8 metres, building C1 is four storeys, has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres, Building C2 is four storeys, has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres,
- Building D is four storeys, has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres, building E is single storey has a gross internal floor area of 952 square metres with a total height of 16.8 metres,
- Building F is three storeys has a gross internal floor area of 7,865 square metres with a total height of 16.8 metres, building F1 is four storeys has a gross internal area of 4,422 square metres with a total height of 16.8 metres, building F2 is four storeys has a gross internal floor area of 4,422 square metres with a total height of 16.8 metres giving a total gross internal floor area of 65,600 square metres,
- demolition of existing agricultural building covering 1,024 square metres,
- the provision of 648 ancillary staff and 200 visitor car parking spaces and 101 coach parking spaces,
- site works and associated landscaping all on a site of approximately 39.81 hectares, a new access onto the L5068 and use of an existing access onto R772 for emergency purposes at Kellystown, Ashford, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with 37 conditions.

- Condition 3 required €100,000 security for the provision and completion of roads, sewers, footpaths and other infrastructure.
- Condition 7 required works to the main entrance onto Trinity Lane/L5068.
- Condition 10 required upgrade works to Trinity Lane/L5068.
- Condition 13 required a footpath along the R772 from Ashford to the site entrance, a shuttle bus service and bus stops on R772.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **case planner's** report recommended refusal because;

The proposed development does not adhere to the sequential principle in developing lands contiguous to the existing film studios in Ashford. The proposed development is located in an un-serviced rural area which contravenes the development plan policy in relation to rural based economic development, would seriously injure the visual amenity and landscape character of the area. The film studios and visitor centre would be more appropriately located within the Ashford urban area.

The **senior planner's** report recommended a grant of permission having regard to the objective EMP12 and 21 in the county development plan which recognise the particular importance of the film industry locally and nationally, the need to support employment in the county particularly in the film industry, the opportunity to complement existing film industry related developments in the region like Ardmore Studios in Bray.

The senior planner also recommended conditions in relation to;

- Enhanced boundary treatment and hours of operation.
- Traffic management on Trinity Lane.

- Landscaping to minimise visual impact.
- Provision of private bus services.
- Provisions of sightlines at the old N11.
- Provision of passing bays in Trinity Lane.
- Submission of construction management plan,
- Control of noise, dust, light leakage.
- Modification of the entrance on Trinity Lane.

Initially the planning authority sought additional information in relation to 13 issues as follows;

1. Submit a masterplan which demonstrates compliance with the zoning objective EMP 12 in the Wicklow County Development Plan.
2. Provide an amended/detailed visual impact assessment.
3. Provide details of the location and uses/lighting/noise expected within these backlots.
4. Submit details and an assessment of the effects of proposed lighting within the site on adjoining residential uses.
5. Supplying water from a private well may not be acceptable. Submit details of connection to the Irish Water public water supply. If the applicant persists in obtaining water from a well a detailed hydrologists assessment of the impact is required.
6. Submit details of the proposed visitor facilities including restaurants and associated sanitary facilities.
7. Submit an NIS particularly in relation to impact on the Vartry River and the Murrough Wetland SPA/SAC.
8. Clarify the exact area of the site, reconcile the surface water runoff calculations, project the impact of storm events having regard to the pervious/impervious areas within the site.
9. Submit evidence at the public sewerage has capacity to take the expected loading.

10. Submit a drawing showing provision of adequate sightlines at the new site entrance.
11. Access over Trinity Lane close to its junction with the R764 should be revised.
12. Agricultural access onto the Trinity Lane west of the roundabout should be closed. Alternative access should be used. The Trinity Lane is unsuitable for additional traffic movements.
13. Submit an archaeological impact assessment.

3.2.3. Other Technical Reports:

Irish Water reported that there had been no request for connection to mains water but sought additional information on the capacity of the sewer along the R772 to Ashford village.

Environmental Services Section sought information on groundwater capacity to serve the development in the absence of mains water connections, water services layout, impact on the Vartry River from the Ballymacahara confluence, surveys of noise and dust background levels.

Environment Engineer reported that there is a discrepancy as to the area of the site, the surface water run-off calculations are contradictory, the treatment of storm event runoff should be clarified, climate change has not been factored into the assessment of surface water runoff, additional details of the flow control device should be submitted.

Inland Fisheries Ireland sought additional information on the potential impacts on the River Vartry which is European site.

The **Environmental Health Officer** sought clarification of the future use of well number 4. The expected visitors to the restaurant and the details of sanitary facilities, numbers/location of administrative staff and canteen/sanitary facilities.

Area Engineer reported that local road L5068 should be upgraded to 7m with footpath.

Roads Section reported that local road L5068 should be upgraded, that the assumption in the application that all traffic would travel east along the road is unreliable.

National Transport Authority (NTA) reported that there is no congestion on the M11 at this point, the proposed use is not a trip intensive use. The planning authority should assess the impacts in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities. The authority noted the commitment to the provision of shuttle bus services to Ashford and Dublin.

Transport Infrastructure Ireland (TII) reported that the planning authority should abide by Spatial Planning and National Roads Guidelines for Planning Authorities.

4.0 **Planning History**

4.1. **PRR 16A/482** an application for film studios with ancillary facilities in twelve buildings, 648 ancillary staff & 200 visitor car parking spaces and 101 coach parking spaces, site works & associated landscaping, all on site of approximately 13.84 hectares. Deemed withdrawn following further information request including for submission of an EIS.

5.0 **Policy Context**

5.1. **Development Plan**

The Wicklow County Development Plan 2016-2022 is the relevant county development plan for the area.

Objective EMP 12 in the county development plan provides that it shall be an objective of the planning authority as follows;

To provide for the development of and expansion of the existing film studios in Ashford on the lands shown on Map 5.05 in accordance with the following requirements:

(i) the development of these lands shall be strictly limited to facilities for the production of film, TV, animation etc including any directly associated spin offs such as visitor facilities; however, residential development or other non film related commercial activities are not to be permitted;

(ii) the location and design (density, height, building format etc) of any development on these lands shall take into account the prevailing landscape pattern, the rural nature and character of the area and shall ensure that impacts on visual, residential and rural amenities are minimised and ameliorated to the greatest extent possible;

(iii) the agreement of a master plan for the entire area which shall include:

(a) a detailed phasing plan which shall be linked to the conclusions and recommendations of a Traffic and Transport Assessment, which shall clearly set out the traffic generation model for the entire development and its constituent phases, and a detailed evaluation of the capacity of all roads serving the site, including all N11 junctions and the N11 itself and their abilities to accommodate the development without impacting on the carrying capacity of the national road for strategic inter-County traffic;

(b) sequence of development, that shall be generally from south to north;

(c) the infrastructure plans for the servicing of the site;

(iv) this zoning shall be for the lifetime of this plan only.

5.2. **National Planning Framework**

5.3. The National Planning Framework sets out a number of goals including;

- Compact growth within cities, towns and villages,
- Enhancing accessibility within and between regions,
- Strengthen rural economics and communities,

- Encourage international connectivity,
- Mitigating climate change through moving away from fossil fuelled transport.
- Support for enterprise and innovation including diversifying the rural economy.
- Enhancing amenities and heritage, and
- Sustainable management of water and waste.

The site is in the Eastern and Midland region as designated in the NPF and the Framework includes national policy objective 23 to facilitate the development of the rural economy including ... diversification into alternative on-farm and off-farm activities.

5.4. The Sustainable Residential Development in Urban Area Guidelines for Planning Authorities (DoEHLG 2009).

5.5. Sustainable Development in Urban Areas make the point that connectivity between and permeability through developments in urban areas are an important marker of quality placemaking. Facilitating non-car transport especially walking, cycling and public transport is integral to achieving sustainable forms of development.

5.6. The Spatial Planning and National Roads Guidelines for Planning Authorities (DoE & LG January 2012).

5.7. These guidelines make the point that where there are deficiencies in the road network in an area where an otherwise appropriate form of development is proposed that it may be acceptable to impose a financial contribution on applicants for permission in order to finance the appropriate roads improvements.

5.8. Smarter Travel

5.9. Smarter Travel sets out a number of key goals and targets in relation to transport and movement up to 2020. These include;

- Improve accessibility to transport for all,
- Maximise efficiency of transport infrastructure to alleviate congestion
- Minimise the local and global environmental impact of transport,
- Reduce overall travel demand for private cars and in particular reduce work related car based movement from 65% to 45%.

5.10. Natural Heritage Designations

See AA section below.

6.0 The Appeal

6.1. Grounds of Appeal

- The application did not address all the issues raised in the pre-planning consultation between applicant and planning authority.
- The site is partially zoned for film industry based employment but some is not zoned. The county development plan requires the application of a sequential approach with a sequence south to north whereas this application proposes development north to south. Non-sequential development is acceptable only in exceptional circumstances. No exceptional circumstances apply in the present case.
- The EIS required amendments on foot of a request for further information but the alternatives considered lack justification. No masterplan was submitted with the application. Excessive weight was given to protecting the amenity of the applicant's house (Ballyhenry House) but not the amenity of other residential property in the area, notably, the appellant's.
- The appellant's property will be impacted upon by disturbance from the backlot, noise, increased traffic and the 10-year construction phase.
- The proposed development contravenes objective RUE1 which seeks to locate industrial uses in rural areas only when such location is necessitated by local resources and where it has a positive impact on the location. The proposed development be appear as industrial development in an agricultural area and negatively impact on the visual amenity of the landscape.
- The planner's report recommended refusal.

6.2. Applicant's Response

- The film industry promotes economic development, employment growth and tourism in Ireland. Ireland lags other countries in the provision of film studio facilities. The proposed location will complement the existing film making facilities in Ardmore and Ballyhenry.
- Alternative forms of development were explored in the EIS and additional information.
- The site is zoned for film industry development in the County Development Plan under objective EMP 12. The proposed development does not negate the sequential approach nor is it leapfrogging since back lots are used both for agriculture and occasionally for on-location shooting in constructed sets which are then removed. The back lots in the southern sector will remain undeveloped in terms of permanent structures.
- The applicant will continue as a farmer.
- The EIS addresses the visual impact of the proposed development. The proposed development is located in a corridor area which is a less visually sensitive landscape. will have minimal visual impact on the landscape. The proposed development does not impact on any protected views or structures.
- The buildings will be visible from adjoining property but the palette of materials replicate agricultural developments which sit comfortably in the landscape.
- Trip generation patterns will not replicate ordinary employers. The proposed development will provide coach transport to Ashford and Dublin city centre. The EIS deals fully with this aspect of the application.
- The backlot number 1 is 40m from the appellant's property and 140m from the appellant's house.

6.3. Planning Authority Response

- No response

6.4. **Observations**

- No observations.

6.5. **Further Responses**

No further submissions.

7.0 **Assessment**

7.1. The significant planning issues addressed in this assessment are;

- compliance with development plan zoning provisions,
- traffic safety,
- residential amenity impacts,
- water supply,
- sewerage,
- Landscape and Visual Amenity Impact,
- Environmental Impact Assessment, and
- Appropriate Assessment Screening.

7.2. **County Development Plan**

7.3. The appeal makes the point that the County Development Plan requires a sequential approach within the lands zoned for film industry and that the application proposed development north to south. The applicant states that the southern portion of the site will be used as backlots for filming.

7.4. The County Development Plan includes an objective EMP 12 in relation to 60 hectares in Inchanappa South and Ballyhenry which are illustrated in map 5.05 of the plan and which include the site. This objective requires that uses be restricted to film/television production, that the impacts on residential, visual and rural amenities are minimised, that the entire zoned area be subject to a masterplan which should include a phasing plan, traffic and transport assessment, that development generally

be south to north and that infrastructure planning should be included in the Masterplan.

- 7.5. A masterplan was submitted as part of the additional information (see bound copy received by the Board on 26th October 2018). The masterplan makes several points including that the proposed development is Phase 2 of an existing and permitted film studio development whereby Phase 1 is located to the south of the current site across Trinity Lane, that the proposed development is located on appropriately zoned lands and that it complies with County Development Plan policy to encourage expansion in the film industry.
- 7.6. The appeal makes the point that the application did not sufficiently address the alternatives to the development. This matter was raised by the planning authority by way of a request for additional information and the amended EIS included an assessment of 6 alternative development configurations for the site. The application applies a set of assessment criteria (site size, topography, visual and landscape, noise for filming, existing amenities, access and services and farm compatibility) and concludes after the assessment that the proposed development is the most appropriate development for the site.
- 7.7. In relation to the sequential test it is the case that the buildings are concentrated largely within the northern part of the site. This has the advantage of allowing activity to be removed as far as possible from the residential uses accessed from Trinity Lane. The backlots will remain undeveloped but will be used as described in the application for outside filming. I conclude that the proposed development complies with the zoning objective for the site.
- 7.8. **Traffic Safety.**
- 7.9. The County Development Plan required that applications for development on the site include a traffic and transport assessment. The National Transport Authority commented on the application to state that the proposed development is an extension of the existing studios at Ashford, that the M11 does not experience congestion at this point and that the proposed use is not a significant trip generator. Nonetheless that NTA considers that the planning authority should ensure that the development complies with the Spatial Planning and National Roads Guidelines and

that the application should be accompanied by a Travel Plan which contains clear commitments on modal split, shuttle bus services to Ashford and Dublin, measures to promote car sharing and use of public transport and appointment of a travel plan coordinator.

- 7.10. There are three access points to the site from Trinity Lane. The first is the main/eastern access is close to the R772 roundabout which is proposed to be retained to serve the proposed development. The second, to the west, is close to the L5068/Trinity Lane junction with the Ashford/Roundwood regional route and a third/middle access closer to the main access.
- 7.11. The planning authority expressed concern (see item 10 on FI request and Roads Engineer's report dated 25th January 2018) that the second/western access is too close to the Trinity Lane junction with the Ashford/Roundwood regional route to allow traffic to safely negotiate the Trinity Lane junction with the regional route and then turn into the site entrance. I agree with this view and the applicant in the response to the request for additional information stated that the access would be used solely as an agricultural access related to remaining farm uses on the landholding and could be fob controlled. The planning authority expressed concern as to the practicality of this arrangement. I agree with the applicant that this is an existing agricultural access which may be reasonably retained as such. I recommend that this may be managed by a condition requiring that the sole access to the proposed development be on the eastern end of the Trinity Lane.
- 7.12. The third access to the Trinity Lane is west of the proposed main access (see item 11 on FI request and Roads Engineer's report dated 25th January 2018). The planning authority's roads advice is this should be closed. The applicant makes similar points in relation to this access as to the second/western access close to the Ashford/Roundwood regional route; that it is necessary for the agricultural uses remaining on site and may be distinguished from access to the film studios. Having regard to points raised by the applicant and the nature of the access as an existing one I conclude that the access should be allowed to remain as an agricultural access.
- 7.13. A significant point here is that the planning authority has zoned the site for film industry use and the masterplan submitted with the application makes the point that

this is a natural extension to the existing film studios south of the site closer to Ashford village. It would be preferable to better integrate the existing film studios and the proposed film studios by connecting them in a sustainable way which allows easy pedestrian/cycle access without constant resort to private car transport or shuttle bus. There is an opportunity to allow access from the applicant's lands to the south of Trinity Lane across the western end of Trinity Lane and along Trinity Lane to the main proposed film studio access close to the R772/roundabout. This option as not proposed in the application and the only connection will be north/south along the R772 and then east along Trinity Lane.

- 7.14. I am satisfied on the basis of the existing road network in the area, the material set out in the EIS and the submissions on file that the proposed development will not negatively impact on the safety or carrying capacity of the M11.
- 7.15. As a way of creating linkages between Ashford village, the existing studio and the proposed development the application proposes a shuttle bus service between Ashford village and the application site along the R772. This is augmented by the requirements in the planning authority's conditions for provision of a footpath along the R772 and bus stops. The Spatial Planning and National Roads Guidelines for Planning Authorities make the point that (see section 3.9) that ideally transport infrastructure should be available before applications are made for development which has significant traffic implications. Furthermore, the guidance makes the point that where significant road improvement works are necessary for development which is otherwise acceptable that the costs of these improvements works should be met by the developer. I consider that a condition under section 48(2)(c) allowing the planning authority to recoup the costs of provision of cycle paths/footpaths, bus stops and associated road works between the site and Ashford village has the potential to overcome the deficiency of connectivity in this case.
- 7.16. **Residential Amenity Impacts.**
- 7.17. The appellant's house accesses the Trinity Lane about ½ along its length between the roundabout on the R772 and the junction with the R764 to the west. The site is rectangular and is about 190m deep. The residential accommodation is set back about ½ into the appellant's site. The application site does not adjoin the site

boundaries of the appellant's house to the east or west. Several houses intervene between the appellant's property and the eastern access to the applicant's landholding close to the junction of Trinity Lane and the Ashford/Roundwood regional route. There is significant screening/tree cover running along the rear (northern) boundary of the appellant's property.

- 7.18. The final site layout plan (see drawing 458-01-40 received by the PA on 5th January 2018) proposes the closest studio building will be Block F1 whose southern elevations are 17m at its highest (see drawing 458-F-05-02 received by the PA on 15th February 2017). This building will be more than 300m from the appellant's property boundary. Having regard to the separation distance and the substantial screening intervening I conclude that the proposed development will not seriously injure the visual amenity of the appellant's property.
- 7.19. The second potential issue is noise impact for adjoining residential property. The appellant's house is designated as "red house" in figure 4.4.1-1 in chapter 4.4 of the EIS. Although this drawing is not to scale the application does accurately identify the nearby residential properties, identifies the construction phase and operational phase noise impacts and sets out mitigation measures. It is significant for 5 residential properties on Trinity Lane/L5067 that the car parking and coach parking are well removed from the southern boundaries of the application site and Block F1, Block F and Block F2 are the closest new structures. In relation to activity in the back lots the closest one of these is Backlot 1 which is well screened within the site. The EIS makes the point that the activity which would be expected on backlots consists mostly of dialogue between actors which requires low levels of background noise.
- 7.20. Construction phase noise emissions will arise from site preparation, demolition, cutting and filling followed by building works. Noise will be mitigated by the employment of quiet plant, controlling noise at source, use of noise screens, liaison with the public and compliance with planning conditions. Operational phase impacts will arise from staff and visitor traffic movements, service vehicles, mechanical plant associated with the buildings and filming on backlots. Mitigation of operational phase noise impact will be achieved by locating the staff and bus parking centrally within the site. Plant and machinery will be chosen for its quietness and the development, when operational, will adhere to any noise control conditions imposed in any grant of planning permission.

7.21. In summary I conclude that the proposed development will not seriously injure the amenity of residential property in the vicinity by reason of visual intrusion, overlooking or noise or general disturbance.

7.22. Water Supply

7.23. The application originally proposed servicing the water needs of the proposed development by bored wells on site. The planning authority's scientific advice (see Exec Scientist report dated 10/3/2017), the EHO and Inland Fisheries expressed concern in relation to the ability of the proposed on-site bored well to adequately provide for the water needs of the proposed development, impact on existing wells in the area, impact on the surface water regime in the wider area and that that connection to the public water supply would be preferable.

7.24. This matter was raised at points 6, 7 and 8 of the FI request. The applicant responded that it is now proposed to connect to the public water supply (see item 6 in the FI response and 4.9.2.3 of the revised EIS). Irish Water initially commented that the applicant should liaise with it in relation to connection to the public water supply but appears not to have commented on the revisions submitted with further information. The EHO reviewed the revised proposal for connection to the public water supply and recommended a grant of permission.

7.25. Having regard to the amendments submitted with the further information and the reports on file in relation to these amended water supply arrangements I conclude that the proposed development will not be prejudicial to public health and is acceptable on this point.

7.26. Sewerage

7.27. The application proposed connection to the public sewer on the R772 which flows downhill to Ashford village. Irish Water reported uncertainty as to the capacity of the public sewer in this area. This matter was raised at item 8 of the request for FI. The applicant responded that (see item 8 in the responded to the FI request) that ONCE drawings and calculations set out in the ONCE Drainage Report addresses the concerns in relation to the capacity of the public foul sewer downstream, of the

proposed development. Irish Water responded that the 225mm sewer on the R772 which the applicant states he has already laid discharges to a 150mm sewer combined sewer and that the applicant has not demonstrated that the foul system in Ashford village has the capacity to accommodate the foul effluent from the proposed development. A manuscript note on a subsequent planning authority report states that this may be dealt with by way of a connection agreement with Irish Water.

7.28. The Ashford Town Development Plan 2016-2022 is included as an appendix to the current Wicklow County Development Plan and states that Ashford is served by the Wicklow Sewerage Scheme which has a capacity of 34,000pe but in 2016 served only 17,000pe. I conclude therefore that there is capacity in the treatment system to accommodate flows from the proposed development. I recommend that a condition be applied requiring the applicant to satisfy the planning authority on the capacity of the foul and foul/combined sewer to accept further discharges.

7.29. Landscape and Visual Impacts.

7.30. The County Development Plan designates the wider area of the proposed development as a 'access corridor' in terms of landscape value with a 'medium vulnerability'. The zoning provision for the site set out in the Wicklow County Development Plan requires planning applications for development to ensure that visual impacts on the area arising from proposed development be minimised. The initial EIS included a visual impact assessment but the planning authority in its request for additional information (see item 2) sought further analysis including the erection of building profiles, views from local settlements and the M11, photo montages and information to demonstrate that the backlots would not be seen.

7.31. The applicant submitted a revised visual impact and landscape assessment in section 4.7 of the EIS and included an amended set of before/after photomontages in appendix 5 of revised volume 2.

7.32. While the development plan zoning objective is reasonable in that it requires applications for proposed development to minimise the visual impact of proposed development in the area it is not reasonable to require that proposed development not be seen within the area. Speaking very generally levels within the site fall south east but there is a certain undulation within the site (see site survey drawing 458-1-3

received by the PA on the 15th February 2017. There is significant tree cover in the northern element of the site, there is a thick hedge along the entire length of the R772 to the east and there is significant tree and shrub screening along Trinity Lane.

7.33. The application makes the point that the proposed buildings must be more than 17m high to accommodate the activities for which the site is zoned. I consider that the layout of the proposed development, in so far as it clusters the buildings in the centre of the site, achieves the optimum advantage of the changes in ground levels within the site and the natural screening especially along the boundaries of the landholding. I consider that the photomontages submitted with the additional information are reasonably accurate and that the proposed development has achieved the objective of minimising the visual impact on the wider area. I conclude that the proposed development will not seriously injure the visual amenity of the area.

8.0 Environmental Impact Assessment.

8.1. This application was submitted prior to 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish legislation will apply to the application.

8.2. I am satisfied that the information contained in the EIS complies with article 94 of the Planning and Development Regulations 2000. I consider that the EIS has correctly identified the likely significant environmental impacts. Of those identified I consider that protection of surface and ground water and the traffic impacts to be the most significant.

8.3. Alternatives Assessed.

8.4. An EIS was submitted to the planning authority on the 15th February 2017 and following on a request for additional information a revised EIS was submitted on the 5th January 2018. The revised EIS addresses the entire lands zoned for film/television studio in the County Development Plan and sets out 6 alternative landuse layouts within these lands. The EIS dismissed the 'do nothing' because the existing Ashford Studios need physical expansion to meet anticipated increase in

demand for studio space. Without the proposed development the development stagnates at the current Phase 1 Ashford Studios which is not economically sustainable.

- 8.5. The key elements required for an expanded studio are;
- Suitable topography for large floor plate buildings,
 - About 65,000m² of studio floor space,
 - 17m high buildings,
 - Visitor centre
 - Backlots include proximity to the studio,
 - Areas for occasional film shooting,
 - Car parking for staff (650 spaces) and coach parking (100).
- 8.6. Of the 6 alternative schemes set out in the EIS the proposed scheme (scheme 6) scores best in the criteria (site size, topography, visual and landscape, noise for filming, existing amenities, access and services and farm compatibility). The obvious criticism of this assessment is that it was documented after the application had been lodged. Nevertheless, the application and response to the ground of appeal make a reasonable case that the application is reasonably reflective of the zoning of the site and that the characteristics of the site make it appropriate to the uses and layouts proposed.
- 8.7. There is a contradiction in the application in that the site is variously being 39.81ha in the public notice but 27.8ha in the EIS. I am satisfied that the site is adequately illustrated in the site layout maps submitted with the application and I conclude that the application has adequately justified the proposed development as an appropriate form of development for the site.
- 8.8. **Human Beings**
- 8.9. The EIS addresses the impacts on human beings (section 4.1). The proposed expenditure of €90m at construction phase will create about 87 full time jobs and benefit local businesses. The operational phase will create about 1,500 in many employment categories including manual work, arts and technicians.

8.10. Construction phase impacts will be mitigated through a HGV traffic management plan and a Construction Management Plan to be agreed with the planning authority. No operational phase mitigation measures are required.

8.11. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts on human beings arising from the proposed development have been properly assessed and are acceptable.

8.12. **Flora and Fauna**

8.13. Impacts on flora and fauna are addressed in section 4.2. The site is characterised as comprising improved agricultural grassland, treelines and hedgerows, spoil and bare ground and buildings and artificial surfaces. The EIS concludes that because the site is farmland it has low potential as habitat for mammal species although the taller trees could support roosting bats and the woodland strips could provide foraging habitat. The site is not an important birds' habitat including for over-wintering birds.

8.14. There are several ecologically sensitive sites close to but not within the application site. There are; the Murrough Wetlands SCA (002249), the Murrough SPA (004186, Wicklow Head SPA (000713), Devils Glen pNHA (000718) and Vartry Reservoir pNHA (001771). The application site is not ecologically sensitive. Whereas the site is hydrologically linked to the Murrough system pollution control measures taken at the construction phase will prevent impact on aquatic life (birds, fish or otters). Mitigation measures in relation to trees will include barriers around trees and where trees loss is a result of works (about 20 trees) these will be replaced. Trees/hedgerows will be removed where necessary outside the nesting period of March 1 to August 31. Prior to work commencing bat roosts will be identified and where appropriate bat boxes will be provided within the development.

8.15. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts on flora and fauna arising from the proposed development have been properly assessed and are acceptable.

8.16. **Soils and Geology**

8.17. Section 4.3 deals with soils and geology. The soils on site comprise well drained till, sands and gravel. The identified impacts arise in construction and operational phase. Construction phase impacts will include excavation to a maximum depth of 7m but generally in the region of 2m-3m for roads, buildings, parking spaces and surface and foul water drainage. Construction works will generate soil on site but this will be re-used and none will be removed off-site. There are potential impacts in the form of water and soil compaction.

8.18. Construction phase mitigation measures to prevent water pollution by hydrocarbons will include avoidance of spillage, containment measures and refuelling in bunded areas. Soil compaction will be avoided through measures such as managing access/haulage routes.

8.19. Operational phase impacts on soil/bedrock will include prevention of hydrocarbon spills and infiltration of surface water from car parks through permeable paving. Surface water runoff from paved areas will be collected in attenuation tanks. Contaminated surface water will pass through oil interceptors before entering the attenuation ponds.

8.20. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts on soils and geology arising from the proposed development have been properly assessed and are acceptable.

8.21. **Noise**

8.22. Section 4.4 deals with noise. The receiving environment is a large greenfield site with a limited number of noise sensitive locations in the area. Figure 4.4.2-1 maps the nearby houses. Construction phase noise impacts are identified as arising from the demolition of an agricultural shed, cut/fill within the site, building work, landscape and road works. Operational phase impacts will arise from car and coach parking, delivery vehicles, mechanical and electrical plant and filming on backlots.

8.23. Construction phase noise impacts will be mitigated through the choice of quiet plant, controlling noise at source, use of mobile noise reduction screens and liaison with the public. Operational phase impacts will be mitigated through location of the

car/coach parking centrally within the site, moving the southern boundary north about 150m north of the closest house (House A – the red house on Figure 4.4.2-1) and traffic management (especially delivery vehicles). The only plant related noise will arise from the extractor fans in the visitor centre which is sufficiently distant from any noise sensitive locations as to obviate any noise impact.

8.24. I conclude based on the information set out in the EIS as amended by the submission of additional information that the noise impacts arising from the proposed development have been properly assessed and are acceptable.

8.25. **Air Quality/Climate**

8.26. Air Quality/Climate is addressed at section 4.5 of the EIS. The EIS makes the point that the main contributor to emissions to air around the proposed development is the M11 motorway to the east. The additional contributions from the proposed development are identified as construction phase impacts and operational phase impacts. Construction phase impacts will arise from dust through disturbance of soil for construction works, including road construction works and emissions from construction plant and machinery. Operational phase emissions to air are identified, largely, as vehicular movements.

8.27. The proposed mitigation measures for the construction phase will be detailed in a construction environmental management plan which will include provision of a wheel wash to limit dust deposition on nearby public roads, limiting vehicular speed within the construction site, spraying water mist on soil stock piles in warm weather and limiting emissions from construction machinery through appropriate design. Operational phase mitigation measures to limit emissions to air will include reduced vehicle speeds, tree planting around the car parks, use of spray paints and/or organic solvents will adhere to the appropriate standards.

8.28. The impact on climate are assessed as negligible.

8.29. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts on air quality and climate arising from the proposed development have been properly assessed and are acceptable.

8.30. **Water**

8.31. Construction related water needs will be met from the public supply. It is not envisaged that ground water will be encountered during construction phase but mitigation measures against impact on groundwater will include storage of oils/fuels and refuelling of machinery in bunded areas, drip trays on machinery, refuelling will take place away from water courses, mixing and pouring of concrete will be properly supervised. The potential for contaminated surface water run-off into the Ballymachara stream to the west will be mitigated against by maintaining an appropriate distance between construction works and the river bank and preventing the stock piling of materials adjacent to the river.

8.32. Operational phase impacts will be minimised through connection to the public water supply and public sewerage. All oils, lubricants, solvents and paints used in the operational phase will be secured and provided with spill containments, spillages on unpaved areas will be removed and refuelling will not take place on site.

8.33. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts the water environment arising from the proposed development have been properly assessed and are acceptable.

8.34. **Visual impact and landscape.**

8.35. Table 4.7.4-1 sets out a schedule of views of the application site from the surrounding area. The EIS makes the point that the views of the site are very restricted because of the screening along the site boundaries and the public roads in the areas and the topography of the site. The statement recognises that there will be some visual impacts particularly on views north from Trinity Lane. In mitigation of the visual impact the EIS proposes the retention of screening where appropriate, its augmentation and simplicity of design of buildings.

8.36. I conclude based on the information set out in the EIS as amended by the submission of additional information that the visual and landscape impacts arising from the proposed development have been properly assessed and are acceptable.

8.37. Archaeology and cultural heritage

8.38. Section 4.8 in the EIA addresses archaeology. The cartographic, aerial photography, record of monuments and places and other appropriate sources listed in the EIS do not identify any places or items of archaeological interest within the site. Table 4.8.3-1 sets out archaeological monuments close to the site. The construction phase impacts are identified as ground works, machinery movements and material stockpiles. No operational phase impacts are identified.

8.39. The construction phase mitigation measures will comprise test trenches undertaken by a qualified archaeological under license from the Department of Arts, Heritage, Culture and the Gaeltacht.

8.40. I conclude based on the information set out in the EIS as amended by the submission of additional information that the archaeological impacts arising from the proposed development have been properly assessed and are acceptable.

8.41. Material Assets.

8.42. Section 4.9 of the EIS deals with material assets. Waste water is considered in the construction and operational phases of the proposed development. Temporary sanitary facilities will be available during construction phase and waste water will discharge to the public system in the operational phase. There is capacity in the public system to accommodate the proposed loading. Water supply will be from the public mains where capacity exists.

8.43. Surface water will arise within the site. The new impermeable areas are paving 19,0992m² and 23,350m² of roofs. The car parking will be permeable. Surface water arising from these areas will be directed to two appropriately sized attenuation ponds with a capacity of 2,512m³. These ponds will discharge at a controlled rate to the Ballymacahara stream to prevent flooding in the stream. Areas where there is a potential for contamination during the operational phase will be hard surfaced with oil interceptors between it and the attenuation ponds.

8.44. Waste arises in the construction and operational phases. A construction and demolition waste management plan has been prepared (appendix viii) in volume 2 of the EIS. Segregation of construction and demolition waste will be carried out on site,

waste will be stored separately, where possible waste will be recycled on site, uncontaminated soil will be reused on site, waste leaving the site will be properly contained and recycled, recovered or reused in accordance with the Eastern and Midlands Regional Waste Management Plan 2015-2021.

- 8.45. On-site lighting is identified as a potential impact on nearby houses. Construction and operational phases may give rise to glare, spill, indirect illumination and night sky illumination. Screen planting along the southern boundary will mitigate against light spill and glare for both periods, multiple light sources will be used so as to the impact of a single very bright source. Correct choice of lighting design and positioning will reduce impacts.
- 8.46. Traffic is addressed 4.10. An amended access is provided in accordance with the specific points raised in the request for additional information and a new emergency access is provided from the site onto the R772 north of the roundabout at junction 15 of the motorway. Construction phase impacts will be spread over 7 years, a maximum of 87 construction staff will be on site at any one time, working hours will be limited, all soil excavated will be reused on site. The operational phase will generate about 2,887 trips per year of which 108 will be buses, coaches, goods vehicles.
- 8.47. The traffic impacts will be mitigated through the development of a construction traffic management plan, staff travel plan, shuttle services between the site and Ashford village and between the site and Dublin city centre. A traffic signage plan will be implemented (see figure 4.9.5-1) as part of the proposed development.
- 8.48. I conclude based on the information set out in the EIS as amended by the submission of additional information that the impacts on material assets arising from the proposed development have been properly assessed and are acceptable.
- 8.49. **Environmental Impact Assessment**
- 8.50. I have considered the EIS and additional information submitted with the application and I conclude the following:
- The proposed development will be connected to the public supply and not impact on the ground water regime in the area through ground water

abstraction in a manner that would affect or wells or water courses (in particular the Ballymacahara stream).

- The proposed development will not give rise to water pollution or risk to public health arising from foul water disposal because it will discharge to the public system which has sufficient capacity to accommodate the additional loading.
- The proposed development will not give rise to surface water pollution because the rainfall regime on site will not be affected by the proposed development, the relatively modest extent (in the context of the overall site) of impermeable surfaces and the provision of attenuation tanks for surface water runoff from the impermeable surfaces (hard standings and roofs). The facilities for paints and hydrocarbon storage will be bunded and drained to the attenuation tanks through oil interceptors.
- Although not explicitly addressed in the EIS I have considered the issue of significant indirect environmental impacts. Having regard to the form of development including likely emissions in terms of traffic, waste water and visual impacts I conclude that there will be no significant indirect environmental impacts.
- I have considered significant cumulative environmental impacts and I identify traffic impact alone as a potential cumulative impact given the proximity of the site to junction15 on the M11. There is potential for the M11 to serve additional traffic generators along its route however having regard to the absence of congestion on the M11 at this point I conclude that this potential cumulative impact is acceptable.

9.0 **Appropriate Assessment Screening**

- 9.1. The planning authority requested the submission of an NIS as item 6 of the request for additional information in part because the original application proposed that water supply for the proposed development would come from private on-site bored wells. The planning authority stated (in the last sentence of item 6 of the request for additional information) that if the proposed development were connected to the public mains an NIS would not be required. The response to the request for additional information amended the water supply arrangements and the applicant

stated that this change obviated the necessity for an NIS. I agree with the planning authority that the large-scale abstraction of water contained potential for effects on the ground water regime in the area.

- 9.2. The Murrough Wetlands SAC (002249) and the Murrough SPA (004186) run north/south along the coast about 2.5kms east of the site. The NPWS have published generic conservation objectives for these sites which are to maintain the habitats and species for which these sites have been designated at a favourable conservation condition which will contribute to the overall maintenance of favourable conservation status of those habitats and species at national level.
- 9.3. To the west of the site is the Ballymachara stream which is not contiguous with the site boundary but flows southeast along the boundary of the applicant's landholding and the R764 Ashford to Roundwood regional route. The Ballymachara stream joins the Vartry river in Ashford village centre to the south of the site. There is another stream illustrated in figure 4.6.3-1 of the EIS (the Courtfolyle stream) which is difficult to identify on the ground but which the EIS identified as joining the Ballymachara stream along the R772 just north of Ashford village and south of the application site. Like the Ballymachara stream this stream is also not contiguous with the site boundary at any point. The Vartry river flows into the Murrough SACSPA about 2kms east of Ashford village.
- 9.4. Having regard to;
 - a) the separation distances between the boundaries of the application site and these water courses,
 - b) the distance between the SAC and SPA and the confluence of the Ballymachara stream and the Vartry river in Ashford village,
 - c) the nature of the likely emissions from the proposed development and the measures included in the application to control rates of surface water runoff and prevent contaminant runoff from the site

it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on The Murrough Wetlands SAC (002249) and the Murrough SPA (004186) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

10.1. I recommend planning permission be granted for the reasons and considerations and subject to the conditions set out below.

11.0 Reasons and Considerations

11.1. The site is zoned for the development and expansion of film industry studios in the Wicklow County Development Plan 2016-2022. Having regard to this zoning objective and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual amenity of the area or the residential amenity of property in the vicinity and will not give rise to traffic hazard or surface or groundwater pollution. Therefore, the proposed development will accord with the zoning objective set out in the County Development Plan and with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of January 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3.
 - a) There shall be a single access to the proposed development from the L5068/Trinity Lane on a right in/left out basis only. Details of this entrance (including boundary set back, gates and directional signage) shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - b) The emergency access from the site to the R772 shall be used solely for that purpose. Plans and particulars for the construction, maintenance and management of this access shall be submitted and agreed in writing with the planning authority prior to commencement of development.

Reason: in the interest of traffic safety.

4. The mitigation measures set out in the Environmental Impact Statement and further information submitted with the application shall be implemented in full except as may be required in order to comply with the conditions attached to this permission.

Reason: To protect the environment during the construction and operational phase of the proposed development.

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

Reason: In the interest of public health.

6. A shuttle bus service shall be provided by the developer from Ashford village serving the proposed development. A scheme, including bus stop locations and schedule, for the shuttle service shall be submitted to and

agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and convenience.

7. Bicycle parking spaces shall be provided within the site. The number, layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interests of sustainable transportation.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads, parking areas and surface and foul water drainage systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of orderly development.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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 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.

12. 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.

13. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the

proposed development becomes operational.

Reason: In the interest of public safety and visual amenity.

14. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, painting, the use of chemicals and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats, catch trays, bunded areas and oil interceptors. A scheme providing for these measures shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In order to protect groundwater and surface water.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Demolition of the existing agricultural sheds on site and removal of debris.
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;

- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

16. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

17. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

A plan to scale of not less than 1:500 showing –

- a) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping
- b) The measures to be put in place for the protection of these landscape features during the construction period
- c) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- d) Details of screen planting.
- e) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- f) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- g) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

18. During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
- a) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
 - b) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal

component.

- c) At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

Reason: To protect the [residential] amenities of property in the vicinity of the site.

19. During the construction period a wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

20. 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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution

as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of;

- (a) road widening and passing bays on Trinity Lane /L5068,
- (b) the provision of directional and traffic management signage on public roads which serves the proposed development,
- (c) the provision of a footpath and cycle path with public lighting linking the proposed development along Trinity Lane/L5068 and the R772 to Ashford village,
- (d) the provision of appropriately sized and located bus stops between the proposed development and Ashford village.

The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Reason: It is a requirement of the Planning and Development Act 2000 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.

Hugh Mannion
Senior Planning Inspector

5th November 2018