



An
Bord
Pleanála

Inspector's Report ABP-301753-18

Development	20 houses on undeveloped portion of lands as granted planning permission under Reg. Ref. 06/4599 and further extended under Reg. Ref. 13/8264.
Location	Ashtown, Ballinfunshogue, Roundwood, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1151
Applicant(s)	Whirlcon
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	Seamus and Magdalen Kennedy J. Malone and C. Rice

Lorraine and Trevor Dalton

B. Slack

Jonathan and Shirley

Bill Meagher

Iain and Emma Sibley

Date of Site Inspection

29th August 2018

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located within the village of Roundwood, Co. Wicklow. The appeal site is located to the rear of an established housing estate, i.e. Djouce Meadows.
- 1.2. The size of the appeal site is 1 ha (2.47 acres) and the shape of the appeal site is irregular.
- 1.3. A significant feature of the site is the local topography as gradient of the housing estate rises gradually from the main road to the rear (west) of the site.
- 1.4. The appeal site comprises of an existing unused site and includes part of the public open space associated with the established housing development, Djouce Meadows.
- 1.5. The unused site is currently overgrown and there is a large top-soil mound on the site.
- 1.6. The established houses in Djouce Meadows are a mix of single storey units with attic conversions and two-storey houses.
- 1.7. The single storey units are located adjacent to the appeal site.
- 1.8. There is agricultural land located to the immediate west and south of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development is for 20 no. houses.
- 2.2. The proposed development is incorporated to an existing housing development, Djouce Meadows.
- 2.3. The proposed development comprises of
 - Three 4-bed dwellings
 - Fifteenth 3-bed dwellings
 - Two 2-bed dwelling

2.4. The floor areas for the proposed residential units are as follows;

<u>Unit Type</u>	<u>Floor Area</u>
4-bed	155 sq. m.
3-bed	103 sq. m.
2-bed	88 sq. m.

- 2.4.1. The proposed development includes off-street car parking provision.
- 2.4.2. The proposed public open space is in the form of a large green space which is centrally located within the proposed development.
- 2.4.3. All the proposed houses have private open space in the form of rear gardens.

3.0 **Planning Authority Decision**

3.1. Wicklow County Council decided to **refuse** planning permission for the following reason;

- 1. It is considered that the proposed development would be prejudicial to public health by virtue of the deficiency in the provision of drinking water in Roundwood required to serve the proposal. It is further considered that surface water attenuation proposals are unacceptable as they rely on works to be carried out on lands outside of the site edged red in an area of developed open space serving existing dwellings. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- Irish Water have recommended that this proposal is refused permission.

- Legal issues between the applicant and Irish Water do not fall within the remit of the application.
- Residential Density is considered acceptable.
- Layout and Design are considered acceptable.
- Public open space (13%) is adequate.
- All rear gardens in excess of private open space requirements.
- No concerns in relation to access and car parking.
- The site is located within Flood Category C.
- EIA not required.
- Proposal will not give rise to any adverse impacts on Natura 2000 site.

3.3. **Internal Reports;**

Housing Department; - The Part V proposals are acceptable.

Wicklow Area Engineer; - No objections

Roads Section; - No objections subject to conditions.

3.4. **Third Party Observations**

There were 10 third party submissions and the issues have been noted and considered and are generally similar to the issues raised in the submitted observations to the Board.

3.5. **Submissions**

- Irish Water; - Consider that the proposed development will negatively impact on the quantity of the water source supplying Roundwood public water supply. The proposed development would be prejudicial to the sustainability of the Roundwood public water supply. This decision is consistent with previous

refusal reasons. Furthermore, it is submitted that a wayleave would be required for the foul sewer that crosses through private lands to access the public foul network in Vartry Heights.

- Department of Culture, Heritage and the Gaeltacht; - Recommends pre-development archaeological testing on the site.

3.6. Planning History

- L.A. Ref. 16/1168 – Permission **refused** for construction of 24 no. dwellings. Refused for the following reasons;
 1. It is an Objective of the Council as expressed in Section 4.4 of the County Development Plan 2016-2022 (Objective HD10) that ‘in existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties’. It is also stated in the Section 2 of the Development and Design Standards set out in Appendix 1 of the County Development Plan that ‘the key design rule for new multi house development in rural towns and large villages will be consistency with the existing pattern and grain of development’. Having regard to the designation of Roundwood as a ‘Level 6- Rural Town’ in the County Development Plan, combined with the location, layout, intensity and housing mix in the proposed development, taken in conjunction with the existing scale, character and pattern of development in the adjoining area, it is considered that the development as proposed would be contrary to the Objectives outlined above, would result in the overdevelopment of the site, would be inconsistent with the character of this area, would be visually obtrusive and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
 2. It is considered that the proposed development would be prejudicial to public health by virtue of the deficiency in the provision of drinking water in Roundwood required to serve the proposal. It is further considered that

surface water attenuation proposals are unacceptable as they rely on works to be carried out to lands outside of the site edged red in an area of developed open space serving existing dwellings. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- L.A. 13/8264 Permission **granted** for extension of duration of permission of L.A. Ref. 06/4599 and reposition of house no. 10 granted under L.A. Ref. 05/3377.
- L.A. Ref. 06/4599 (appeal ref. 226015) – Permission **granted** 13 no. dwellings to the rear¹ of Djouce Meadows. The Local Authority refused permission for 17 no. dwellings. The first party appealed the refusal. The Board granted permission for 13 no. dwellings.
 - Condition no. 2 stated that no commencement works shall begin until adequate water supply is available to serve the proposed development.
- L.A. Ref. 05/3377- Permission **granted** for 8 no. dwellings. This site is situated to the south-east of the current site.
- L.A. Ref. 05/2144 &– Permission sought for 17 detached housing units on larger plots. Permission **granted** for 9 no. dwellings.

3.7. County Development Plan

Wicklow County Development Plan, 2016 – 2022, is the operational Development Plan.

- Roundwood is designated as a Level 6 Settlement in the County Settlement Hierarchy.

¹ This site the subject of appeal ref. 226015 is a slightly larger site than the current appeal site.

- In accordance with the Roundwood Settlement Plan the appeal site is zoned 'Secondary Development Area'

The following County Development Plan provisions are relevant;

- Section 4.3.4 advises that infill development shall generally be at a density that respects the established character of the area.
- Section 2 of Appendix 1 offers guidance on density. '*On greenfield type sites at the edge of the core, a suitable transitional density will be required between the built-up part of the town and its more rural hinterland*'.

4.0 National Policy

4.1. National Planning Framework, 2018

The recently published National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites and policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Some other relevant policies from the NPF include the following;

- NPO 6 – Regenerate / rejuvenate cities, towns and villages
- NPO 8 – Targeted population growth in Ireland's 5 cities
- NOP 13 – Relax car parking / building heights to achieve well-designed high-quality outcomes

4.2. Sustainable Residential Development in Urban Areas, 2009

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban

locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages. Appendix A of this document sets out guidance for measuring residential density.

5.0 The Appeal

5.1. The following is the summary of a third-party appeal submitted by Frank O'Gallachoir, Planning Consultant, on behalf of the applicant.

Planning History and Water Supply on the site

- L.A. Ref. 05/2144 & L.A. Ref. 05/3377 relates to a grant of permission for 17 no. dwellings.
- L.A. Ref. 06/4599 relates to a refusal by Wicklow County Council for deficiency in public water supply.
- Following an appeal (appeal ref. 206015) – An Bord Pleanala granted permission for 12 no. houses instead of 17 no. houses subject to a condition that no development commences until there is an adequate supply of potable water.

Water supply agreement

- There is an established water supply agreement that relates to the site and water by Wicklow County Council.
- The legal document that relates to this agreement is attached.
- The legal agreement provides for Wicklow County Council supplying water to the appeal site.
- This legal agreement was honoured by Wicklow County Council in granting permission for L.A. Ref. 08/998 and L.A. Ref. 08/1781.
- The legal agreement was made available to the Local Authority on the 5th of April 2018.
- A recent senior counsel's opinion is attached.

Extant planning permission ref. 06/5499

- There is a valid planning permission (L.A. 13/8264) on the appeal site until August 2018.
- The housing market in Roundwood does not support large floor area houses permitted on foot of L.A. Ref. 13/8264.
- It is calculated that the permitted development would have a water demand for 10 permitted houses of 13,500 litres per day.
- The proposed development would have a demand of 9,382 litres per day.
- The proposed development is committed to water conservation and the proposal includes rainwater harvesting.
- The reduction in water demand is over 4,000 litres per day.
- An attached submission demonstrates that there is sufficient water supply for the proposed 20 houses.

Developer's Legitimate and Reasonable Expectation of a Public Water Supply

- There is an agreement in relation to water supply.
- The Board are requested to grant planning permission for the proposal of smaller semi-detached houses on subject lands in accordance with existing water supply agreement.

Roundwood Housing Need and Housing Demand

- Due to the national housing crisis there is a need for reasonable quantum of housing on the subject site.
- The subject site has been the subject of previous permissions.

Water Services

- It is contended that Wicklow County Council have responsibility in this case.
- The Planning Authority and An Bord Pleanála should have regard to this legal agreement given S.13(1) of the Water Services Act.

- It is acknowledged that it is not planning practice to determine legal disputes however there is a clear case for Wicklow County Council to supply water to the proposed development.

Government National Guidelines Regarding Water Supply

- Guidelines regarding water supply.
- Para 5.6.1 of the guidelines allows the Board on appeal to require Irish Water to participate in an appeal.
- Planning permission and connection agreements are independent processes.

Surface Water Attenuation Proposals

- There is an error by Wicklow County Council as the site map outlined in red encloses the entire Djouce Meadow housing development.
- The existing 225 millimetre diameter surface water sewer within the estate road at Djouce Meadow.
- Surface water from the proposed development will flow into the existing an attenuation tank and eventually to a watercourse located north of the entrance to the R755 road.
- The Infrastructure Design Report considers the existing attenuation tank is inadequate in size. Applicant is proposing to improve this tank and ensure it is in line with current design requirements.
- The applicant has been informed that the first two phases of Djouce Meadows have been taken in charge.
- Irish Water is in a position to allow infrastructural improvements to the attenuation tank. This can be achieved by the payment of a special development contribution.

Foul Sewer Connection

- Applicant has proposed 2 options for foul sewer connection and both connect to existing manhole F6 and drain to manhole F10.

- Option 1 simply continues the existing arrangement of manhole F10 draining into the Vartry Heights social housing foul system.
- Option 2 abandons the connection in option 1 and provides a new foul sewer draining to the R755 roadside access to the development.
- Neither option proposes any works to private land and both options connect to manhole F10.
- The option 2 proposal would be lands taken in charge by Wicklow County Council as such there is no need for wayleave options.

5.2. **Second Party Response**

- None

6.0 **Observations**

The following is a summary of observations submitted by the stated following parties;

Seamus and Magdalen Kennedy

- There is constant erosion of an established exclusive development.
- The proposed layout, design and density is contrary to Section 4.4 of the County Development Plan.
- The proposal is also contrary to Section 2 'Development and Design Standards' as set out in Appendix 1 of the Wicklow County Development Plan.
- The proposal is not consistent with a Secondary Development Zone development.
- The densities are inaccurately calculated.
- There is a lack of public transport in Roundwood and most residents would use private car to commute to work in Dublin / Bray / Wicklow.

- The recently permitted development (L.A. Ref. 06/3377) in conjunction with the proposed development will ensure that traffic in the original estate will be approximately 225% greater.
- The road design is not designed to cater for the traffic volumes proposed.
- There is inadequate provision of water supply and proposals for surface water attenuation are unacceptable.
- The design of the proposed development is not in keeping with the original designed housing development.
- The original housing development has been left unfinished by the developer. In this regard the reassurances given by the current applicant are questioned.

J. Malone and C. Rice

- Proposal is an expansion of existing housing development.
- It is argued that the proposal is not guided by the nature of the surrounding development.
- The Residents are concerned that the densities proposed would be excessive and have strongly objected in previous communications.
- Issues need to be addressed in relation to configuration of the units, their set back to the rear building line of the adjacent properties and the functionality of the parking spaces.
- Roundwood is not comparable to Newtownmountkennedy.
- The established housing estate is low density.
- The proposed development will greatly damage the quality of the water in the Roundwood area for reasons previously set out under WFD Groundwater Directive and ground protection scheme for County Wicklow.
- The proposed development would create further risks for contaminating the existing drinking water.
- Road marking and signage are currently inadequate.
- Construction traffic will have to use the existing driveway.
- Traffic is a concern for children

Lorraine and Trevor Dalton

- A major issue with surface water drainage in no. 28B and 29A surface water previously ran into house no. 30A. This occurred before the construction of houses nos. 28A, 28B, 29A and 29B.
- Pumps are required to pump water around the houses.
- When power cuts occur then residents are without ample running water.
- There is a lack of parking in house no. 34 to 28A.
- The driveways are not sufficiently sized to allow car parking and on-street car parking is required.
- Adding another 20 no. houses with approximately 40 no. cars is unsafe for children playing.
- There will be additional construction traffic.
- There is no demand for 2-bed houses in Roundwood.
- There is no space for emergency vehicles or service vehicles to turn within the housing estate.
- The entrance to estate is a traffic hazard.
- The proposed development is not a consistent scale with the existing development.

B. Slack

- Originally it was proposed to build 10 houses on the current site now it is proposed to build 20.
- There are a number of concerning issues regarding traffic, water pressure, sewage and parking.
- Both Wicklow County Council and Irish Water have concluded that the proposed development would be prejudicial to public health by virtue of the deficiency in the provision of drinking water in Roundwood.
- Surface water attenuation is also an issue identified by Wicklow County Council and Irish Water.
- The proposal is located 200 metres from an ecclesiastical settlement.

Jonathan and Shirley

- There is inadequate water supply provision to serve the proposed development.
- It is submitted that the applicant has no right to excavate lands for surface water proposals.
- The green spaces the subject of the proposal is used daily by children playing and there is a safety concern.
- The main entrance to the estate is a poorly designed junction.
- There is daily confusion concerning right of way and the visibility of motorists and pedestrians who can approach this junction from three different directions simultaneously. Road safety is an issue.

Bill Meagher

- The proposed development is a significant departure from the originally proposed housing development in terms of design.
- There are major traffic issues and the housing estate was not built to accommodate more than 17 no. houses.
- There is inadequate car parking provision.
- The inadequate water supply provision has not been addressed nor has the surface water drainage issues.
- The developer is proposing to increase the existing foul pipes from 150mm to 225mm an increase of just 50%. However, the number of houses will be increased by 180% from 17 to 47.

Iain and Emma Sibley

- The site is in an area designated secondary zone.
- The proposed development would not comply with the objectives of this zone.

- Additional traffic has seriously compromised the safety of residents and particularly children.
- There is inadequate car parking provision.
- The proposed water attenuation tank is proposed under a green space which would cause significant inconvenience for residents who use the green space and road users.
- There is insufficient water to serve the proposed development.
- There is an ecclesiastical settlement located within close proximity to the proposed development.

7.0 **Assessment**

- Principle of Development
- Impact on Established Residential Amenities
- Proposed Residential Amenities
- Residential Density
- Water Services
- Traffic / Access / Car Parking
- EIA Screening

7.1. **Principle of Development**

- 7.1.1. The recently adopted National Planning Framework (NPF) recommends compact and sustainable towns / cities, brownfield development and densification of urban sites. The themes of compact and sustainable development are reinforced by policy objective NPO 35 from the NPF as this policy objective recommends increasing residential density in settlements including infill development schemes and increasing building heights.

- 7.1.2. It is national policy, (i.e. Sustainable Residential Development in Urban Areas, 2009), to promote residential densities in urban areas in close proximity to services and public transport. The appeal site adjoins an existing housing estate and is located within the settlement boundary of Roundwood, Co. Wicklow.
- 7.1.3. Roundwood is designated as a 'Level 6 Settlement' in accordance with the County Settlement Hierarchy as set out in the Wicklow County Development Plan, 2016 - 2022. In accordance with the provisions of the Wicklow County Development Plan, 2016 – 2022, the appeal site is zoned 'Secondary Development Area'. The vision for this zoning objective is *'To provide for the sustainable development of a mix of uses including residential, employment, community and recreational uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement'*.
- 7.1.4. I would note that the Local Authority Planner's report states that the principle of the proposed housing development is acceptable subject to normal planning criteria. I would also note that there is an established planning history for residential development on the appeal site.
- 7.1.5. I would conclude, having regard to the national planning policy and the zoning objectives in the Wicklow County Development Plan, 2016 – 2022, that the principle of residential development on the appeal site is acceptable provided that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard, protects the environment, would not be prejudicial to public health and would be in accordance with the provisions of the Dun Laoighaire Wicklow County Development Plan, 2016 – 2022.

7.2. **Residential Density**

- 7.2.1. In accordance with the provisions of the Wicklow County Development Plan, 2016 – 2022, the site is located in an area designated ‘Secondary Development Zone’. Within this zone the County Development Plan recommends that densities in the order of 15 units per ha are promoted.
- 7.2.2. Section 4.3.4 ‘Densities’ of the Wicklow County Development Plan, 2016 – 2022, advises that *‘in existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties’*. Section 2 of Appendix 1 of the County Development offers guidance on density. *‘On greenfield type sites at the edge of the core, a suitable transitional density will be required between the built-up part of the town and its more rural hinterland’*. Section 2 advises that normal density will be in the order of 10-20 units per ha.
- 7.2.3. The Sustainable Residential Development in Urban Areas Guidelines, 2009, advises that development in smaller towns should be;
- plan led
 - contribute to compact urban forms
 - higher densities in appropriate locations
 - offer alternatives to urban generated housing
 - a scale of the development proportion to the pattern and grain of existing development
- 7.2.4. I would consider, given the location of the proposed development relative to the established pattern of development in Roundwood, that the proposal for 20 no. houses on the appeal site would generally be consistent with the above guidance.
- 7.2.5. I would note that paragraph 6.12 of the Sustainable Residential Development for Planning Authorities, 2009, is relevant to the proposed development. Paragraph 6.12

recommends on the edge of small town / villages that 15-20 dwellings per hectare are recommended. It is possible to consider densities of less than 15-20 dwellings per ha along or inside the edge of smaller towns and villages if such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

- 7.2.6. I would acknowledge that the established housing development, i.e. Djouce Meadow, adjoining the appeal site is a relatively low-density development. The size of the appeal site is 1 ha and therefore the proposed residential density is 20 units per ha. I would consider the proposed residential density would be appropriate for the subject site, having regard to the County Development Plan and national planning guidelines as outlined above. As such I would consider that the scale of the proposed development is acceptable.

7.3. **Proposed Residential Amenity**

- 7.3.1. I would consider that the provision of private open space, public open space and the quality of the proposed housing units, would be relevant considerations in assessing the residential amenities for future occupants of the proposed development.
- 7.3.2. In relation to public open space provision it is proposed that a central public open space will be provided. The overall size of this public open space is 1,702 sq. metres. The appeal site measures 1 ha in size and as such the total provision of public open space is approximately 17% of the site area. The Wicklow County Development Plan, 2016 – 2022, recommends a public open space provision of 13% of the site area. I would also note that Paragraph 4.20 of the Sustainable Residential Development in Urban Areas Guidelines, 2009, recommends a minimum public open space provision of 15% for green-field sites. Therefore, the public open space provision to serve the proposed development is adequate.

- 7.3.3. I have referred to the floor areas at the proposed houses in paragraph 2.3 above. The proposed floor areas would offer a good standard of residential amenity for future occupants.
- 7.3.4. The minimum private open space provision is set out in Appendix 1 'Development Design Standards' of the County Development Plan. The minimum provision for a two-bedroom unit is 50 sq. metres whereas the minimum provision for 3+ bedroom unit is 60 – 75 sq. metres. The submitted 'Site Layout Drawing' illustrates the proposed houses and their respective rear gardens. The rear gardens proposed would comfortably exceed these minimum requirements.
- 7.3.5. In conclusion therefore, I would consider that the proposed development would offer an overall good standard of residential amenity for future occupants.

7.4. **Impact on Established Residential Amenities**

- 7.4.1. In terms of established residential amenities and having regard to the proposed development I would consider that the relevant issues for consideration are overlooking, overshadowing / loss of daylight and visual overbearance.
- 7.4.2. The proposed development is essentially an extension to an existing residential development. I would acknowledge the submission on the file from the observers which generally argue that the proposed development would have an adverse impact on established residential amenities in terms of scale, additional traffic levels and devaluation of property prices.
- 7.4.3. I have outlined my reasons and considerations under the heading 'Density' that the proposed development is an appropriate density and scale for the appeal site. I would acknowledge the submissions on the file which argue that the smaller scale houses are inconsistent with the houses in the established housing estate. The proposed residential density, as outlined previously, is consistent with County and National planning guidance and therefore I would consider that the scale of the proposal is acceptable.

7.4.4. Overall, I would conclude that having regard to the rural character of the local area, and the adjoining areas that the relatively low density of the proposed development before the Board would not have a significant impact on established residential amenities.

7.4.5. Having regard to the layout and orientation of the proposed development relative to the established development I would not consider that the proposed development would adversely impact on the established residential amenities.

7.5. **Water Services**

7.5.1. In relation to water supply for the proposed development I would note that there is a submission on the file from Irish Water recommending that planning permission is refused. Irish water recommend refusal on the basis that there is inadequate provision to serve the proposed development and that the development would be prejudicial to the sustainability of the Roundwood public water supply.

7.5.2. The appellant argues that there is an established legal agreement in place between the former site owner and Wicklow County Council (Irish Water's predecessor). The legal agreement relates to the transfer of land from the former site owner to the Local Authority in return for Wicklow County Council providing water supply to the subject site. The appellant also submits that there is an established permission (expired August 2018) on the appeal site to construct 10 no. houses. Furthermore, the appellant submits that the Board granted permission (appeal ref. 226015) for a total development of 13 no. dwellings. Permission was sought for 17 no. dwellings however the Board imposed a condition that reduced the number of dwellings to 13 units and also imposed a condition on the grant of permission requiring that no development should commence until the Local Authority has clarified that there is an adequate supply of water available to serve the proposed development.

- 7.5.3. In relation to the aforementioned legal agreement I would consider that this a matter between Wicklow County Council and the applicant and that An Bord Pleanala would have no remit to adjudicate on this legal agreement.
- 7.5.4. In addition, I would have regard to the Department of Housing, Planning and Local Government circular FPS 01/2018 which relates to Water Services Guidelines, 2018. This circular clearly states that Planning Authorities are required to take account of views of Irish Water as a statutory consultee in making decisions on planning applications. Therefore, the submission from Irish Water would carry weight and I would recommend a refusal to the Board on the grounds of insufficient water supply to serve the proposed development.
- 7.5.5. The applicant contends that the Local Authority's concerns in relation to surface water discharge are unfounded. The applicant submits that the overall site red line boundary includes the Djouce Meadows housing development as such the proposed surface water attenuation is not on lands located outside the subject site. The appeal submission outlines that the applicant intends to increase the capacity of the existing attenuation tank.
- 7.5.6. I would note from the information on the file that it is intended to discharge surface water flows to the aforementioned attenuation tank and then subsequently discharge to a watercourse located north of the entrance to the R755 road. The appellant further submits that the first two phases of Djouce Meadows has been taken in charge by the County Council as of from May 2018 and as such it is possible for Irish Water to permit works to be carried out to its infrastructure. The applicant also confirms that they are willing to make a special development contribution to Wicklow County Council for the infrastructure works.
- 7.5.7. In recommending refusal, I would acknowledge that the Board has previously granted planning permission for 13 no. houses on the appeal site without adequate water supply provisions in place. However, in this current case before the Board issues about surface water and foul water also arise. Overall I would consider that

until such time agreement is forthcoming from Irish Water it would be premature to permit the proposed development.

7.6. **Traffic / Access / Car Parking**

- 7.6.1. I would note from the submitted 'Site Layout Plan' that with the exception of 2 no. houses which are situated to the north-west of the proposed development that all the proposed houses are served with 2 no. off-street car parking spaces. There are 2 no. houses located to the north-west of the appeal site that will be served by a single off-street car parking space. Appendix 1 'Development Design Standards' the County Development Plan, 2016 – 2022, outlines that normally 2 no. car parking spaces will be required for houses with more than 2 bedrooms. Overall, and having regard to the total car parking provision, I would consider that there is adequate car parking provision to serve the proposed development.
- 7.6.2. The proposed development is essentially an extension to an existing housing development and therefore it is proposed to use the existing vehicular entrance that serves the established development, i.e. Djouce Meadow. I would note that the some of the third-party observations argue that there is an incline on the access road to the established vehicular access onto the R755 I note the report from the Municipal Engineer, dated 26th October 2018, has no objections to the proposed development nor has the report identified any traffic concerns.
- 7.6.3. The application documentation was accompanied by a Transport Statement. I have reviewed the submitted Transport Statement and I would acknowledge that Transport Statement uses the TRCIS modelling to identify traffic generation at the subject site. I would note that Table 4.2 presents the resulting trip generations associated with the proposed development. The two-way morning rush-hour predicted traffic generation is 11 trips and the evening rush-hour generation is 12 vehicles. I would concur with the conclusions of the Transport Statement that there is adequate capacity along the R755 to accommodate the predicted traffic generation. I

would also consider it appropriate as a condition, should the Board favour granting permission, to ensure that there are appropriate speed control measures in place within the proposed development in the interest of traffic safety.

7.6.4. In conclusion I would consider that the issues relating to access, parking and traffic generation have been adequately addressed.

7.7. **EIA Screening**

7.7.1. Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development, 2001 (as amended) states that 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 a built-up area and 20 ha elsewhere is development that requires an EIAR. The appeal site is not located within a business district nor is the appeal site located within a built-up suburban area.

7.7.2. The size of the site in the current application is 1 ha and this therefore the site falls below the 10-ha threshold and 20ha as such an EIAR is not required having regard to Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended).

7.7.3. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

7.8. **Appropriate Assessment Screening**

7.8.1. The Board will note that activities, plans and projects can only be permitted where it has been ascertained that there would be no adverse effect on the integrity of a Natura 2000 site, apart from in exceptional circumstances.

7.8.2. It is proposed that the housing as proposed shall be connected to public water mains and public sewer. It is also proposed to connect the proposed development to public drain for surface water discharge.

7.8.3. The nearest designated Natura 2000 site from the appeal site is the Wicklow Mountains SAC (site code 002122). This Natura 2000 site is located approximately 2km – 2.5km from the appeal site and is generally upland from the subject site.

7.8.4. The qualifying interests for Wicklow Mountains SAC (site code 002122) are as follows;

- Oligotrophic waters containing very few minerals of sandy plains
- Natural dystrophic lakes and ponds
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- Alpine and Boreal heaths
- Calaminarian grasslands of the *Violetalia calaminariae*
- Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas
- Blanket bogs
- Siliceous scree of the montane to snow levels
- Calcareous rocky slopes with chasmophytic vegetation
- Siliceous rocky slopes with chasmophytic vegetation
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- *Lutra lutra*

7.8.5. I would conclude given the nature of the proposed development within an established settlement which is fully serviced, allowing for the separation distance of the proposal from the Natura 2000 site and also the local topography which rises upwards from the appeal site towards the Natura 2000 site and have regard to the qualifying interests that the proposed development would not be likely to have any significant effect on any European Sites.

7.8.6. I would consider that it is reasonable to conclude that based on the information on the file, which I consider adequate 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 European Site, i.e. site code 002122, in view of the sites conservation objectives and a stage 2 AA is therefore not required.

8.0 Recommendation

8.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development would be prejudicial to public health by virtue of the deficiency in the provision of drinking water required to serve the proposal. It is further considered that surface water attenuation proposals are inadequate as they rely on works to be carried out to lands on an adjoining site. The proposed development would, therefore, be premature pending the provision of adequate water supply to serve the proposed development. The proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney

Planning Inspector

14th September 2018