



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-302552-18

Strategic Housing Development

267 no. residential units (225 no. houses, 42 no. apartments), 5 no. retail units, 4 no. office units, childcare facility, innovation hub and associated site works.

Location

Bullford, Kilcoole, Co. Wicklow.

Planning Authority

Wicklow County Council.

Applicant

Kimpton Vale Limited.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Department of Culture, Heritage and
the Gaeltacht
An Taisce – the National Trust for
Ireland

The Heritage Council
Inland Fisheries Ireland

Observer(s)

151 submissions.

Date of Site Inspection

24 October and 28 November 2018.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Introduction.....	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation.....	6
6.0 Relevant Planning Policy	9
6.1. National Policy	9
6.2. Section 28 Ministerial Guidelines	10
6.3. Local Planning Policy	11
6.4. Applicant’s Statement of Consistency	12
7.0 Third Party Submissions	14
8.0 Planning Authority Submission	16
9.0 Prescribed Bodies.....	20
10.0 Assessment.....	22
11.0 Recommendation	40
12.0 Reasons and Considerations	40

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site comprises approximately 9.375 ha and is located adjacent to and the west of the Main Street in Kilcoole, County Wicklow. Two sections of the site provide frontage to the Main Street one of which is currently used as a car park (a 60 metre stretch to the northeast of the site) and the other section of frontage is currently bounded by a wall, and the ruins of a former house (a 35 metre stretch to the southeast of the site). The majority of the site is currently in agricultural use. The Kilcoole Stream flows along the western boundary of the site. There are number of access points to the site including from the Main Street and via an agricultural entrance on a private laneway.
- 2.2. In terms of public transport, the train station at Kilcoole is served by the Dublin-Wexford-Rosslare Train Service and a limited inter-city service is provided to Dublin and back each day. A reduced service (one train in each direction) is available on a Saturday with no service on a Sunday. The train station is approximately 1.8km to the east of the site along Sea Road part of which includes a footpath with the remainder without a path. Kilcoole is located along the route of the 84 and 84X bus routes. The 84 service runs between Blackrock Village to the north and Newcastle Village to the south serving Kilcoole. The service operates between 06.30 and 23.30 at an hourly frequency in each direction. The 84X service provides a commuter service between Kilcoole and Dublin City Centre (Hawkins Street) with eight buses leaving Kilcoole between 6.40 and 7.50 each morning and eight buses leaving Dublin City Centre between 16.45 and 18.30 each evening. Two further services are provided in each direction outside of these hours. Greystones Dart station is approximately 5 kilometres to the north of the village.

3.0 Proposed Strategic Housing Development

The proposed development is the construction of 267 dwelling units, 5 retail units, 4 office units, a childcare facility, an innovation hub, civic space and all ancillary infrastructure on a site of 9.375 Hectares. The detail of the proposed development is stated as follows:

- 30 no. 4-bed semi-detached houses (Type A)
- 7 no. 4-bed detached houses (Type B)
- 56 no. 3-bed end-terraced houses (Type C)
- 38 no. 3-bed mid-terraced houses (Type D and D1)
- 29 no. 3-bed townhouses (Type E)
- 18 no. 3-bed semi-detached houses. (Type F)
- 5 no. 2-bed bungalows (Type G)
- 42 no. 2-bed duplex apartments (Type H1)
- 42 no. 3-bed duplex houses (Type H2)

- 4 no. office and 5 no. retail units are proposed in 2 no. 2-storey buildings fronting onto Main Street, Kilcoole, with a GFA of 615 sq.m. and 821 sq.m. respectively.
- The childcare facility and innovation hub facility will comprise 2 no. 3-storey buildings with a GFA of 905 sq.m. and 785 sq.m., respectively.
- 602 no. car parking spaces consisting of 501 no. spaces for the residential units and 101 no. spaces to serve the proposed retail and office units, the childcare facility, innovation hub facility and to replace an existing car park on site.
- Net residential density 35.3 units per Hectare
- Approximately 1.53 hectares of public open space (16.3% of the site area).

4.0 Planning History

Subject site

Planning Authority reference 03/8544 – Permission refused for 206 housing units for 7 reasons relating to deficient junction proposal, premature pending TIA, flooding downstream, materially contravene CDP in terms of public and private open space, contrary to Residential Density guidelines, no childcare provision, no proposals for Part V.

Planning Authority reference 00/2580 – Outline application for 455 units withdrawn.

Planning Authority reference 98/9532 – Permission refused for pumping station.

Planning Authority reference 98/8364 – Permission refused for 6 residential and 2 retail units in 2-storey block in northeast corner of the site.

Adjoining Site

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

5.0 Section 5 Pre Application Consultation

- 5.1.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 5 December 2017 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-300156-17. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Roads, Proposals and Layout

- The design of the proposed site junctions to access the proposed development. Justification of the site access strategy, indicate the trip generation and design capacities at the junctions, and clearly indicate the proposed junctions' layout. Show all works required in the public realm to facilitate the necessary upgrade to both junctions and the applicant should indicate how these works are to be delivered. Address the design of the internal access roads particularly the proposed east-west link road which traverses the subject site and to the provision of a cyclepath/walkway adjacent the route of the east-west link road. Regard should be had to the Design Manual for Urban Roads and Streets.
- Orientation and design of the proposed civic plaza and community building proposed to address same.

Wastewater Infrastructure

- Address the connection of the proposed development to the Kilcoole Wastewater Treatment Plant. The prospective applicant is advised to consult with Irish Water in relation to the strategy to be adopted concerning water supply and wastewater treatment for the development.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.2. The Board considered that the documentation submitted by the applicant required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that specific information should be submitted, a summary of which is as follows:

- A detailed Cultural Heritage Assessment which addresses the concerns outlined by the Department of Culture, Heritage and the Gaeltacht in the correspondence received by An Bord Pleanála on 28 November, 2017 (attached).
- Detailed design of proposed surface water management system proposed including attenuation proposals.

- A Flood Impact Assessment that should address, inter alia, flooding downstream of the site.
- A detailed phasing plan for the proposed development should be provided.
- A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- The Minister for Culture, Heritage and the Gaeltacht (for archaeological heritage protection and nature conservation)
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland
- Irish Water
- Transport Infrastructure Ireland

5.2. Applicant's Statement Under Article 297(3)

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

Item 1 and 2

Roads, Proposals and Layout

Response

In the absence of firm proposals for a Western Distributor Road (WDR), the original proposal for two vehicular access points from Main Street remain. Should the WDR be delivered, the northern entrance route has been designed so that an internal road closure could occur, but this is not a preferred course of action as permeability through the site would be limited.

Given the revised traffic modelling of the existing road network and junctions, the existing road network has capacity to cater for the proposed development. Junction designs have been improved after consultation, the southern access will be a four

arm signalised junction and the northern access will be a simple priority junction without a right turning lane.

The internal road network has been amended in line with DMURS standards, the proposed east/west link has a deflected alignment, there is a clear hierarchy of streets, junction corner radii are reduced and appropriate pedestrian/cyclist facilities are included.

Revisions to the proposed civic plaza and innovation hub relate to an increase in height in order to better address the public realm.

Item 3

Wastewater Infrastructure

Response

Wastewater from the development will drain to the Greystones Wastewater Treatment Plant (WwTP) via a combination of gravity sewers and existing pumping stations. The Greystones WwTP has capacity for the initial phases of the development. Further network surveys are required to assess the necessity of upgrades. A Project Works Services Agreement (PWSA) has been signed with Irish Water, in order to fund future works as necessary. To this end a phasing diagram for the build out of the development over ten years has been prepared. It is submitted that the constraints identified regarding wastewater network upgrades can be addressed during the lifetime of the permission, the wording of a planning condition is suggested.

6.0 Relevant Planning Policy

6.1. National Policy

Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.2. **Section 28 Ministerial Guidelines**

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

- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (2018)
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities – Guidelines for Planning Authorities’ (2001)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. Local Planning Policy

Wicklow County Development Plan 2016-2022

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

Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

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

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

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

- Vehicular access shall be provided from the proposed western distributor road and the east-west linkage to Main Street. Only 50% of development shall be completed before the entire link between Main Street and the Newtownmountkennedy Road has been completed.
- Derelict buildings adjoining Main Street shall be removed and a new town square provided. New buildings shall be designed to enclose the new square. An indicative layout of the new town square is indicated in Figure 10.2.
- A town car park shall be provided at an easily accessible and convenient location
- The streetscape south of 'The Breeches' pub shall be reinstated with the provision of a suitable new two-storey development.

- New residential areas shall be developed to the highest standard of design and layout and shall provide for a range of unit types and sizes.
- Denser development may be considered in the area zoned TC, subject to a high quality design and respect for the scale and proportions of existing buildings on the Main Street
- Any development proposals for this Action Area shall include proposals for community uses, as determined through the preparation of a community facilities audit and consultation with the Community and Enterprise Section of the Council
- Land zoned open space can be used as the residential public open space associated with housing development on the site.

Road Objective R08 - To provide for the development of a Western Distributor Road to bypass Kilcoole. The northern section of the route shall be developed in the long term, with linkage to the R774. It is a long term objective to develop an additional link between R761 intersection with Lott Lane and the Western Distributor Road. To provide for the development of a local access road in conjunction with the development of zoned lands at AP9: Bullford Action Plan and to provide for the development of a through link road from Main Street to the Western Distributor Road. This section of the route is necessary for the opening up of zoned lands (AP9 and E lands at Bullford Farm). Only 50% of development on these lands shall be permitted before the southern part of this road is completed.

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

6.4. Applicant's Statement of Consistency

6.4.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application, summarised as follows:

- National Planning Framework – relevant policy objectives regarding the provision of housing at sustainable locations and increased residential

density. The proposed development accords with NPF National Policy Objectives 11, 33 and 35.

- Rebuilding Ireland: Action Plan for Housing and Homelessness – the applicant states that the proposed development will deliver much needed housing.
- The development accords with the Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022, which in respect of small towns (1,500 to 5,000 persons) require development to be managed in line with the ability of local services to cater for growth, to respond to local demand and to follow relevant guidelines.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The principles of the guidelines are incorporated into the design of the scheme. The subject lands are sequentially the most preferable in terms of delivering additional housing and associated commercial and community infrastructure for Kilcoole. The proposed development meets the 12 criteria for sustainable residential development contained within the Urban Design Manual (2009), a companion document to the Guidelines.
- The proposed apartments and associated communal spaces will conform to and exceed the standards set out within Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Design Manual for Urban Roads and Streets (DMURS) – The proposed development conforms to the principles, approaches and standards contained within the Design Manual for Urban Roads and Streets (2013), featuring an integrated model of street design that balances the needs of pedestrians, cyclists and motorists.
- The applicant also outlines how the development meets the policies and objectives outlined in the County Development Plan in terms of land use zoning and meeting housing yield targets.
- In terms of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, the proposed development adheres to the LAP strategy and avoids settlement coalescence, enhances the character of the town centre and will deliver

community facilities. The proposal meets all relevant policies and objectives contained in the LAP, with the exception of Transport Objective TS8, sub-objective R08 that references the delivery of road infrastructure and phasing of new development. Given, that there are no firm plans for new road infrastructure, the proposed development is not considered a material contravention of the LAP. The proposal development also accords with the draft Bullford Action Plan (AP9) prepared by the applicant, but not yet agreed with the Council.

7.0 Third Party Submissions

7.1. A small number of individual residents have concerns with the regard to the proposed development and the impact on their property, these are itemised and summarised below:

Maureen Corcoran – The Bungalow, New Road.

Three storey dwellings located 2-3 metres to the west will block out natural light and overshadow the property. The proposed creche will overlook the property. There are concerns regarding the structural integrity of the property.

Denise Byrne – 8 New Road.

Boundary issues to the property not defined.

Michael Geaney – 3 Ashlawn

The proposed duplex units will be over the level of Ashlawn and the boundary treatment is poor.

Morgan Burke – 5 Ashlawn

In addition to concerns raised by the majority of observers and objectors, issues are raised in connection with banks/boundaries and the consequences of overlooking and visual impact.

Robert Black – 6 Ashlawn.

In addition to issues raised above from other residents of Ashlawn there are access issues to/from Ashlawn from the increase in traffic.

Ciaran Doyle – Irish House, Kilcoole

The civic space opposite the pub 'Irish House', will not perform as such, it is little more than a large junction. During the construction and operational phase, there will be pressure on car parking at the Irish House pub.

Mrs Wilson – Bullford Farm

The southern access road to the site should be built first, and allow the development of Mrs Wilson's lands to the south.

Julie-Rose McCormick – Wayside, Main Street.

Duplex units have been placed on a high point and will tower over Main Street. Bin stores are shown close to the property at Wayside. Structural integrity and flooding of property raised as issues.

- 7.2. A large number of residents have lodged individual submissions that relate to similar or connected issues and these are as follows:

Traffic and car parking – construction and operational traffic will have a negative impact on Kilcoole. Not enough car parking has been proposed. Vehicular access junctions from the Main Street are not appropriate. Pedestrian crossing facilities have not been planned across Main Street. The Western Distributor Road should be delivered. Access to the train station along Sea Road is poor.

Kilcoole Character – the development adds nothing to the architecture of the Main Street. The development will erode the history of Kilcoole. The village lacks a library. Kilcoole is already over-subscribed with retail units that are vacant.

Flooding and drainage– the proposed development has not been designed to address downstream flooding issues at Holywell. There are wastewater infrastructure issues in Kilcoole.

Wildlife – The Sally Walk River will be negatively impacted upon by pollution and fences will block the movement of wildlife. AA screening has not been properly assessed.

Phasing – objectors feel that the proposed phasing will not deliver community elements such as open space early on.

- 7.3. Elected Representatives

Stephen Donnelly TD – concerns are raised with regard to the construction traffic and the increase in volumes of traffic once the development is complete. The lack of community facilities proposed. Other concerns and issues reiterate and echo those raised by residents.

Cllr Tom Fortune – the application should be returned to Wicklow County Council for assessment or at least an oral hearing held. Other concerns and issues reiterate and echo those raised by residents.

Cllr Derek Mitchell – similar concerns are raised as those above, in addition; open space should be in phase 1, there should be more cycle facilities and the train service should not be factored into the decision.

Cllr Grainne Mc Loughlin - similar concerns are raised as those above.

7.4. Groups

Kilcoole Community Development Association – the submission follows the same format as others and raises similar issues.

Beachdale and Meadowbrook Resident's Association - the submission follows the same format as others and raises similar issues.

I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 6 November 2018. The report states the nature of the proposed development, the site location and description and details the relevant Development Plan and LAP policies and objectives. The report also included a summary of the points raised by observers, and various internal reports.
- 8.2. A summary of the relevant views of elected members expressed at a Greystones Municipal District meeting of 25 September 2018, is outlined as follows:

- Concerns expressed with regard to the entire SHD process and that permission should be refused.
- The Main Street element of the proposed scheme is criticised in terms of design, set back and materials selected. The plans fail to enhance Kilcoole Town/Village centre.
- The development will add to traffic congestion and junction design has not been properly considered. Public transport infrastructure should be included, bus stops and the removal of on street car parking is mentioned.
- Part V social housing should be distributed throughout the scheme and provided first.
- Criticism is levelled at the retail and innovation hub element of the scheme, is it really needed? It is not designed well enough and fails to add anything to the centre of Kilcoole.
- The development fails to provide linkages to other zoned land and concern is expressed regarding wastewater treatment.

8.3. The following is a summary of issues raised in the assessment section of the planning authority report:

- **Principle of Development** – the proposed development accords with the core strategy of the Development Plan. The site encompasses three land use zonings and the development broadly accords with these. It is noted that a number of houses encroach into open space zoning, however, this is acceptable given that an appropriate level of amenity space is provided throughout the scheme.
- **AP9 – Bulford Action Plan** – the proposed development fails to meet all the AP9 objectives, namely; no access from the Western Distributor Road and only 50% of development shall be completed until the entire link from Main Street to the Newtownmountkenedy Road has been completed.
- **Residential Density** – The provision of higher densities on Town Centre zoned land is appropriate, there are no objections to the proposed density and quantum of development proposed.

- **Phasing** – a far more detailed phasing plan is required to meet social and infrastructural deficits.
- **Roads and Accessibility** – the design capacities of the junctions are queried. The northern access is unacceptable as it will not cope with the likely volumes of traffic, consequently it should be redesigned to serve only the commercial development at this location. The southern junction should only serve 50% of the development until the link to the L1048 Woodstock Road is in place. As the southern junction will eventually facilitate the east-west link road, a shared surface is not appropriate.
- **Western Distributor Road (WDR)** – the proposed scheme fails to provide a link road with the WDR and would undermine the future provision of the link. Cycle links should also be designed, to ensure east-west linkage.
- **Linkages** – vehicular access to the AP9 lands to the south from the development site should be maintained. Farm Lane (public road) should be closed off to allow for a greater town square associated with the planning application reference 17/887.
- **Car Parking** – there has been no evidence that the provision of car parking is sufficient to meet the needs of the commercial development proposed, however car parking meets the CDP standards and cycle parking exceeds the standards.
- **Design Quality** – the housing and commercial design proposals are acceptable.
- **Housing Mix**- acceptable.
- **Kilcoole Town Centre** – criticism is levelled at the interface between the development and the Main Street and this element should be refused.
- **Crèche** – the size of the crèche is queried as too large and may also present overlooking issues.
- **Open space** – there are detailed design elements that require attention, there is concern too that too much open space is proposed to the west of the development site and to be provided in the second phase.

- **Private amenity space** – not enough design attention has been paid to the usability of private amenity space associated with houses.
- **Part V** – refinements are necessary to achieve acceptable standards.
- **Services** – the report of the Greystones Municipal District Engineer is referred to and should be noted.

8.4. Technical Reports

- Roads and Transportation – no objections in principle to the overall development, however, there are some design and phasing issues to consider regarding the two proposed junctions.
- Commentary in relation to Foul Water Drainage – Irish Water records and maps are inaccurate and do not reflect paths of sewers. Kilcoole WwPS does not have capacity for the development proposed. There are more convenient ways to connect to the foul sewer network.
- Commentary in relation to Surface Water Drainage – technical standards are inaccurate and require clarification. Flood exceedance routes are inaccurate.
- Housing – preference is for houses, no balconies or terraces, units are too large and will fail to be funded. The Part V agreement requires more assessment.

8.5. The planning authority's conclusion considers that the proposal is broadly in accordance with the County Development Plan and the Local Area Plan, but that there is divergence in some areas. The planning authority recommends a split decision. Permission should be refused for the five retail units, four office units, childcare facility, innovation hub, adjacent civic square, public car park and northern access junction. Permission should be granted for the residential component of the development subject to conditions.

8.6. With regard to the reasons for refusal, five are provided and relate to the following:

- Contravention of the LAP objectives in terms of a lack of high standard of urban design and would not reinforce the existing character of Kilcoole.
- The northern access to the development is considered to be adequate for the volumes of traffic generated.

- The northern access would result in a large gap in the streetscape and not accord with the Bullford Action Plan (AP9).
- The applicant has failed to demonstrate that the proposed car park will accommodate demand.
- The proposed crèche is out of scale with adjacent development and result in overlooking.

8.7. A total of 9 conditions are recommended should permission be granted. Of note are:

Condition 1 places a hold on all development of the site until a redesigned town centre has been permitted.

Condition 2 refers to detailed design proposals for an east-west link road, including revisions to the overall layout to accommodate same.

Condition 3 refers to phasing.

Condition 4 refers to a vehicular link to lands south of the site.

In addition, the planning authority recommended other standard conditions that relate to Part V requirements, archaeology, boundary treatment, public open space, drainage and surface water requirements, technical road and footpath standards, construction management and a financial contribution.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- Transport Infrastructure Ireland
- Department of Culture, Heritage and the Gaeltacht
- An Taisce – the National Trust for Ireland
- The Heritage Council
- Inland Fisheries Ireland

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 11 September 2018, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Transport Infrastructure Ireland (TII)** – the National Roads Guidelines for Planning Authorities (2012) should be referenced with regard to national roads. The development shall be undertaken in accordance with the recommendations of the TTA and Road Safety Audit and works to national roads funded by the developer.
- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU)** - The DAU advise that given the anomalies identified by geophysical survey, features identified during archaeological testing should be fully archaeologically excavated (by hand) in advance of construction preparatory works. A detailed methodology should be prepared and submitted to the Department for approval, should archaeological material be found during monitoring works may have to stop.

The Department concur with the conclusions and recommendations outlined in the Cultural Heritage Report and have no additional recommendations to make with regard to National Monument 267.

- **Inland Fisheries Ireland** – That during construction and completed development stages, adequate measures should be put in place to protect the Kilcoole stream from potential impacts from pollutants and deleterious material. In addition, the development should be constructed on a phased basis to ensure that necessary upgrades to the sewer infrastructure can take place.

No comments were received from An Taisce – the National Trust for Ireland or The Heritage Council.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by any observations on file, under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of Development
- Traffic and Transport
- Streetscape
- Residential Amenity
- Layout
- Childcare and Part V Social Housing Provision
- Water Supply and Wastewater
- Flood Risk and Surface Water
- Wildlife Habitat
- Archaeology
- Environmental Impact Assessment (EIA)
- Appropriate Assessment (AA)

10.2. Principle of Development

10.2.1. The lands are located on lands subject to three land use zonings, as follows: residential, town centre and open space, in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. The majority of residential units are located on lands zoned R22: Residential - To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity. The retail and commercial component with some

residential units are located on lands zoned TC: Town Centre - To protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas. A large proportion of the site to south west is located on lands zoned open space, OS: Open Space - To preserve, provide for and improve public and private open space for recreational amenity and passive open space. This area is mostly turned over to a linear public park with walkways, however a significant area along the southern boundary comprises 14 houses. The planning authority do not consider that the provision of these units on Open Space zoned land is contrary to the LAP.

10.2.2. Though the LAP looks for 22/Ha on these lands the increased density of 35 units per hectares broadly meets the density thresholds set out in Appendix A of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'. Given the context of the site, the availability of local services and public transport opportunities, I consider that the density proposed is within the acceptable levels provided for in national guidelines.

10.2.3. The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development. The applicant is proposing a crèche facility, retail units, office units and an innovation hub with a combined floor area of 3,126.8 sq.m. The residential component of the proposed development amounts to 34,881.8 sq.m, the percentage of residential floorspace is not less than 85% and so therefore the development complies with the provisions of the Planning and Development Act of 2016 in respect of strategic housing applications.

10.2.4. The proposed development is predominantly residential comprising conventional houses, duplexes and apartments, along with some ancillary childcare and small scale retail and commercial uses that are compatible with the main residential use. The site adjoins existing residential development. It is serviced by a public water supply and foul sewer. It has multiple access points to a public road within a speed

limit zone and easy access to bus stops. The proposed development includes improvements to the local road network. The development would not be contrary to objectives of the National Planning Framework in terms of making stronger urban places and planning for urban growth. In these circumstances, the principle of the proposed development is acceptable.

10.3. Traffic and Transport

- 10.3.1. The proposed development of 267 residential units and 11 commercial/retail units will be accessed from Main Street at two locations. A simple T-junction at the northern end providing access to a car park and housing beyond. The second is the reconfiguration of an existing signalised junction to a four arm signalised junction and this provides the main means of access to the overall site and future access westwards.
- 10.3.2. A large proportion of local residents highlight the existing traffic congestion problems along Main Street and are worried about losing car parking spaces. The planning authority are less concerned about congestion but highlight the strategic nature of the Western Distributor Road (WDR) and the functionality of both junctions. The planning authority's principle concern is that the northern junction will become the preferred route for access and egress from the development and that the simple T-junction will not function well. In addition, the planning authority are concerned that the reconfigured signalised junction to the south will diminish the quality of the public plaza and shared space planned at this location because of the likely volumes of traffic anticipated.
- 10.3.3. The applicant has prepared a Transportation and Traffic Impact Assessment (TTIA) that took into account zoned land to the south of the subject site and relied on no modal split or the relief provided by the WDR. The findings of the report are that the surrounding road network is capable of accommodating the proposed development. The planning authority are critical of the TTIA and question its robustness in terms of survey data, local residents have questioned the findings too. However, despite the planning authority's reservations, they are broadly supportive of access to the development from Main Street and subject to amendments concerning flow through the site and phasing; the means of access and egress is acceptable.

10.3.4. Having experienced the existing traffic situation in Kilcoole on a number of separate occasions, as a pedestrian and as a car driver, it is no more or less busy than other towns in the Greater Dublin Area. This results from historic low density housing development spread out from the edges of the town centre, car dependency is common and often the only reliable form of transport to avail of services. The corollary is that more road infrastructure is planned to facilitate even greater volumes of traffic. However, Kilcoole is fortunate in many respects, because a number of key services such as schools and shops are located centrally off Main Street and Newcastle Road (R761) and within walkable distances. In this respect, the applicant has proposed to construct housing at a higher density than existing development and provide additional commercial and retail services in the town centre. The scale of development will inevitably contribute to an existing busy traffic situation, however, the benefits in terms of new public realm and the centrally located site outweigh the potential frustration from additional traffic congestion.

10.3.5. I am conscious that the LAP identifies a short term roads objective (RO8) that will provide an east/west route from Main Street to Woodstock Road and in the longer term to the R774 and N11 south west of Greystones, the WDR. The strategic importance of this road connection is self-explanatory, however, there are no firm design proposals for this road at present and no indication from the planning authority of a timeline for its delivery. I note that the applicant has detailed a possible future road link on layouts and plans. The planning authority have underlined the importance of a more definitive 'on the ground' indication of a possible new road. In addition, the planning authority have sought to phase development based on the delivery of the WDR. I am doubtful about the planning authority's ability to deliver the WDR in the near future and find it unreasonable to restrict development that can easily access the existing road network and doesn't rely on new road infrastructure. To be clear, I do not consider that the proposed development is premature pending the determination of a road layout for the area. Nor do I consider that the development contravenes a stated objective of the LAP (R08). In this instance, the developer is providing a significant portion of the WDR alignment on site and the development site area amounts to less than 50% of the AP9 and E zoned lands at Bullford Farm.

10.3.6. I find that the applicant's TTIA took on board the concerns raised by the planning authority in relation to the likely split between the use of junctions in favour of a more heavy reliance on the northern junction. However, the TTIA goes on to introduce variability of use between junctions based upon a number of factors, such as congestion. The planning authority's criticisms of the TTIA are noted. But as I have already outlined, the site is zoned for residential and town centre development, the site can access the wider road network at two points and provides a significant portion of the WDR. On balance, I am satisfied that the proposed development will not lead to significant levels of traffic congestion in the area and will result in the development of zoned lands at more appropriate levels of residential density.

10.4. **Streetscape**

10.4.1. The applicant has proposed retail and commercial units at two locations along Main Street. The most northerly part of the site that connects with Main Street is an informal parking area at present, fenced off from the road. The southern portion of the site adjacent to Main Street is the front façade of a building, in ruins to the rear. The proposed commercial buildings to the north, comprise two storey buildings, part brick, traditional in design with smooth plaster projections. The two buildings align with the street and provide an entrance way to car parking and residential units beyond. The innovation hub to the south is similar in design language, but three storey, set back from the road and addresses a public square and signalised junction to the development.

10.4.2. In virtually all submissions received from local residents, no support is shown for either the design, layout or intended use of the units proposed. The planning authority too, articulate criticism of the commercial element of the development and go so far as to recommend the refusal of that portion of the development. In addition, the planning authority recommend that no development at all should commence until permission has been first granted for revised proposals for the town centre.

10.4.3. At present, the two sites that interface with Main Street, add very little to Kilcoole in terms of streetscape or placemaking. Therefore, the opportunity to improve the public domain now presents itself to Kilcoole. Opportunity alone is not a significant reason to welcome any form of development and so care should be taken when proposing such an important intervention to an area. At a high level the principle of

continuing the building line southwards and downslope from 'The Mollys' public house is acceptable to me. Such a device encloses the street at this location with two storey buildings, stepping down hill and opening up to provide access to the lands beyond. In contrast, the three storey innovation hub to the south is set back from the road and encloses a new public square and entrance to the development. The building heights proposed are not excessive and mirror existing two and three storey forms already found along Main Street. I am satisfied that in broad terms the Urban Design principles employed by the applicant are satisfactory and will result in a good urban form and an improved public domain.

10.4.4. At a more micro-level, the architectural design of the commercial units falls short of what is required at such key interventions along Main Street. A similar layer of design as that employed on the residential component has not been applied to the same degree in the detail of the commercial units. This is a shame but not such a major issue as expressed by observers and the planning authority alike. The overall scale, massing and form of the commercial units are broadly acceptable. Individual design elements such as plaster breakfronts are not well executed, appear awkward and may well weather badly over time. The use of brick is appropriate and I would advise that perhaps a contrasting brick finish to replace the plaster/render projections and shopfronts would be more appropriate. Though the architecture of the buildings proposed is unlikely to win any design awards, I am satisfied that the scale and massing will positively influence the sense of space and result in a clear definition between built form and public realm.

10.4.5. In general, I am satisfied that the urban design approach to repairing the streetscape of Kilcoole has been successfully achieved by the applicant. Subject to minor amendments, exclusively to do with finish material, I am satisfied that the retail, commercial and innovation hub will be a valuable addition to the urban form of the area. In this respect, I find that the proposal would broadly meet the requirements outlined in objective AP9 of the LAP and would improve the appearance of Main Street.

10.5. Residential Amenity

10.5.1. The applicant has submitted a full suite of architectural drawings and reports and I am satisfied that sufficient detail has been submitted to allow a complete

assessment of residential amenity for both existing and future occupants. In the interests of clarity, the proposed development of 267 residential units and includes 84 duplex units, which I consider to be apartments for the purpose of residential amenity assessment.

- 10.5.2. Future occupants – The proposed development comprises 84 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The applicant has included a Housing Quality Assessment that sets out a detailed floor area schedule.
- 10.5.3. Firstly, I note that the planning authority raised no particular issues with regard to the proposed internal layout and design standards of the apartment units. In my assessment of the internal floor and private amenity standards of the residential component of the proposal I have had regard to the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’. The total combined floor area of apartments is 8,895.6 sqm, this is significantly in excess of the minimum floor area, plus 10% required by the guidelines (7,530.6 sqm) for the proposed scheme unit mix. In addition, I note that all apartments are adequately above the minimum floor area even after the additional 10% minimum floor area is distributed (684.6 sqm). In relation to all apartments, the floor areas are therefore satisfactory in terms of the minimum floor areas required by the guidelines. All apartment units are provided with private amenity space comprising a garden or balcony, that either meet or exceed the local development plan standards and apartment guidelines.
- 10.5.4. Specific Planning Policy Requirement 4 of the guidelines relate to dual aspect apartments and requires that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, such as the subject application. In this instance, all apartments contained in the duplex units are dual aspect, I am satisfied that these units will provide an acceptable level of living standards in accordance with the guidelines.
- 10.5.5. The floor to ceiling heights associated with apartment units in the duplex buildings are all 2.7 metres. This would meet the requirements of SPPR 5 of the guidelines,

where ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. I am satisfied that the necessary standards have been achieved.

- 10.5.6. I note that Apartment Guidelines, published on the 9th March 2018, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. I have not seen a report to this effect supplied with the planning application. The guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. I do not consider the absence of a building lifecycle report as a serious omission and can be sought by way of an appropriate condition.
- 10.5.7. The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In the majority of cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines.
- 10.5.8. In all cases a separation distance of at least 22 metres is maintained between opposing first floor windows of dwellings, this is acceptable. In terms of private open space, garden depths vary but according to the schedule provided by the applicant all gardens result in greater than 60 sqm across all house types. The scale of the proposed dwellings and the large garden spaces are generous. For the most part, the proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.
- 10.5.9. Existing Amenity – The proposed development will adjoin the existing built up area of Kilcoole and has been designed to either follow existing building lines or present a back to back arrangement.
- 10.5.10. Specifically, large houses located along the southern side of New Road to the north are set a substantial distance back and at a higher level than the proposed development. I anticipate no loss of residential amenity to these properties with the

exception of a dwelling known as 'The Bungalow'. It is built right up to the boundary of the site and looks out across the site in a westerly direction. Firstly, 'The Bungalow' is built almost on the boundary to the site and habitable rooms are mostly lit from this westerly elevation. That being said, 'The Bungalow' will without doubt be badly affected by the proximity of substantial three storey townhouses that are located immediately to the west. Replacement of units 127 to 130 (4 units in total) with a house of a reduced scale and depth, such as house type F would mitigate the impact to a great extent. The potential for overlooking from the three storey crèche facility to the south of 'The Bungalow' is significantly reduced due to a number of factors; the crèche will be significantly below the existing ground level of 'The Bungalow' and there are no opposing windows at either ground or upper levels. I am satisfied that there will be no loss of residential amenity arising from the crèche facility.

10.5.11. The next interface between proposed and existing housing is to the north of Ashlawn and west of Main Street from three storey duplex units. Though duplex units will sit on ground that is higher than Ashlawn, a separation distance of at least 20 metres will be maintained from the front elevations of houses at Ashlawn to first floor balconies and over 22 metres to opposing upper floor windows. Assessment in this regard is a little hampered by the absence of cross sections in this area of the development. However, I am satisfied that the distance, additional boundary treatments and road will all combine to minimise any perception of impact. I have no concerns regarding proposed development south and west of Ashlawn.

10.5.12. Commercial Building 2 located along Main Street has a two storey return with a line of windows on both north and south elevations. The south elevation windows at first floor overlook property and have the potential to impact upon residential amenities. Given that the windows provide light to an office space, that is also similarly lit to the north, it would be appropriate to omit the first floor south elevation windows entirely.

10.5.13. The final interface between proposed and existing development is to the south across Farm Lane at Monteith Park. Separation distances are in excess of 30 metres here and I anticipate no issues of residential amenity loss.

10.5.14. I find that adequate separation distances and offset angles between opposing first floor windows and above have been applied by the applicant. The planning authority are also satisfied, that separation distances between buildings are acceptable. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, I note the concerns expressed by observers, however the proposed development has been designed to preserve the residential amenities of nearby properties and subject to the amendments I have recommended, will enhance the residential amenities associated with the environs of Kilcoole.

10.6. **Layout**

10.6.1. Public Open Space - In broad terms, the quantum and approach to public open space is good. Houses and duplex apartments front onto and overlook public open spaces. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. The communal open spaces associated with the duplex apartments are well overlooked and of a suitable scale and design. Other public open spaces are of a suitable scale and the linear park takes advantage of its proximity to a watercourse.

10.6.2. I note that units 113-122 (14 in total) are located adjacent to the linear park and in lands zoned Open Space in the LAP. The planning authority state that the quantum and distribution of public open space accords with the objectives of the LAP and raise no issue with the location of these units on lands zoned for open space. I must draw the Board's attention to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 that sets out the definition of Strategic Housing Development as follows: 'the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses'. In this respect, I would note that the Act does not specify other uses, which in this case could include open space uses. Given, that the planning authority do not state that the imposition of 14 houses on lands zoned in the LAP for Open Space would be contrary to the objectives of the said plan, I am unwilling to pursue the matter further.

10.6.3. Road Hierarchy – The applicant has shown a site that is connected to the wider street network in two places. The main streets are detailed at between 6.0 metres in width and shared surface streets are 4.8 metres in width. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The corner radii at the two junctions with Main Street have been designed to comply with DMURS and this is acceptable. I would advise that greater detail in relation to the proposed civic space at the southern entrance is needed in terms of finishes, pedestrian priority, cycle path integration and traffic signalisation. However, in broad terms, the road layout is satisfactory. Where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

10.6.4. In addition, the applicant has detailed the potential for a link road to the west. In the absence of any firm proposals from the Council in the design and timing of a Western Distributor Road (WDR), I find it reasonable that an indication of same is sufficient on layout drawings. In this respect and in the interests of clarity, a revised layout drawing that shows the alignment and greater detail concerning the route of the WDR would be of benefit.

10.7. **Childcare and Part V Social Housing Provision**

10.7.1. Childcare - The applicant has proposed a childcare facility with a floor area of 392 sqm. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. 71 spaces for the development. The proposed creche facility will cater for 120 children and the applicant considers this to be of an adequate size for the overall development and wider area. The crèche is located to the rear of Main Street, north of an area of public open space and adjacent to car parking.

10.7.2. The planning authority raise some concerns with regard to the provision of a crèche of the size and scale proposed. Given the information provided by the applicant, the composition of the apartments and houses and likely demand for crèche places, the proposed facility is acceptable.

10.7.3. Part V Provision – The applicant has proposed 8 two bed apartments, 8 three bed apartments (duplex), 8 three bed houses and 2 four bed houses. In addition, the applicant has reached an agreement in principle with Cluid Housing to acquire the

units and a letter to this effect is enclosed with the application. I note that the planning authority have concerns regarding the clustered nature of the housing and recommend changes in order to comply with the Housing Section of the Council. Given that all proposed residential units either meet and/or exceed national guidelines in relation to internal layout and accommodation, I am sure that the finer detail of any agreement to meet the requirements of Part V can be met by condition.

10.8. Water Supply and Wastewater

- 10.8.1. The applicant has prepared a number of drawings that concern foul drainage layouts and an accompanying Engineering Assessment Report. The drawings and report state that an existing 225mm public sewer from housing at New Road, that crosses the site will be made redundant. Housing at New Road will avail of a diverted sewer that connects in with the applicant's infrastructure. Ultimately, foul water from the development will drain by gravity and discharge to an existing 225mm sewer on Main Street, that in turn discharges to an existing public pumping station 320 metres south of the site.
- 10.8.2. The planning authority have included the report of the Greystones Municipal District Engineer that includes a section on foul water drainage. The Council Engineer disputes the accuracy of the information provided by the applicant and advises errors regarding Irish Water records. Specifically, the Council report states that the 225mm sewer that runs along the R761 actually flows southwards then eastwards to the Kilcoole Wastewater Treatment Plant (WwTP). The sewer does not discharge to the Kilcoole Wastewater Pumping Station (WwPS). This is relevant because the Kilcoole WwTP has no capacity for the scale of development proposed. However, the Kilcoole WwPS does pump wastewater to the Greystones WwTP and this plant does have capacity.
- 10.8.3. I note that Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated dated 12 October 2018. However, IW have provided more detailed information submitted as part of the SHD application and this is dated 7 September 2018. This information sets out two major constraints in relation to the development and IW suggest that an initial phase of about 50 residential units plus creche facility and some commercial facilities could be developed at this stage. The constraints

relate to both water supply and wastewater treatment. Specifically, a Project Works Services Agreement will be required to determine a reservoir site, size and network enhancements. In terms of water networks, some minor upgrades are also required prior to connection. In addition, A Project Work Services Agreement will then be required to determine the feasibility for the rest of the development involving a full flow survey in south Greystones along the discharge route to the plant inlet, which should also include an assessment of the Pump station capacity and any upgrades required and detailed in a report.

- 10.8.4. As I am to understand it, wastewater from the development site is to drain by gravity to the Kilcoole WwPS and then conveyed to the Greystones WwTP. I note the inaccuracies observed by the Council. However, these are technical in nature and the ultimate destination for wastewater is the Greystone WwTP via the Kilcoole WwPS, this the applicant and IW agree on. There are problems however, and these have been highlighted by IW, relate to the feasibility of servicing the balance of over 200 dwellings and the remainder of commercial development. The feasibility revolves around the network capacity but crucially around the Pump Station capacity and the need for upgrades. These feasibility studies have not been carried out and may conclude that upgrades are necessary and such upgrades may require planning consent. IW are so concerned at the network capacity issues and the potential for Pump Station upgrades that they feel it necessary to restrict development to 50 residential units and some commercial development.
- 10.8.5. Likewise, in relation to water supply, IW have sought to restrict development and require water storage to service the development. From the information provided, it appears that the water storage will be required in the form of a reservoir on a site and of a size yet to be determined.
- 10.8.6. I am aware that the most recent IW correspondence on the file states that the development can be serviced. However, I cannot ignore relevant documentation before me that clearly points to an existing deficiency in the provision of water supplies and sewerage facilities. It is in the face of too many imponderables that I recommend that permission be refused on the basis that the development would be premature by reference to an existing deficiency in the provision of water supplies and sewerage facilities.

10.8.7. I am also aware that IW consider that 50 dwellings and some commercial development could be developed now but that further build out would require the infrastructure that I have outlined above. Bearing this in mind, I cannot recommend to the Board that permission be granted for what would amount to a minor portion of the entire development when key infrastructure is yet to be delivered and which may require further planning consents.

10.9. **Flood Risk and Surface Water**

10.9.1. Flood Risk - The applicant has submitted a Flood Risk Assessment (FRA) that states that the site is not located in a flood zone and so therefore the assessment of the site does not proceed to the justification test. In addition, no works are proposed to the existing river channel that bounds the site and so existing CFRAMS flood mapping will not be impacted upon.

10.9.2. I note the concerns raised with regard to flood exceedance route mapping and certain inaccuracies highlighted by the planning authority. However, these issues can be addressed by condition. No element of residential development is proposed within a flood zone and having regard to the information before me and including the guidance contained within the relevant Section 28 guidelines on flood risk management, surface water and flood risk issues can be dealt with by condition as necessary.

10.9.3. Surface Water – The applicant has proposed a catchment system for the development arranged around 8 catchment zones and ultimately all run-off from all catchments will pass through petrol interceptors before discharging to the Kilcoole Stream. The surface water design is set against four criteria; river water quality protection, river regime protection, level of service (flooding) for the site and river flood protection. The planning authority note minor inconsistencies in the surface water designs proposed by the applicant. I am satisfied that matters concerning surface water design can be addressed satisfactorily by adjustments to the specific and detailed technical requirements of the Council.

10.10. **Wildlife Habitat**

10.10.1. A number of observers have raised issues with regard to the loss of wildlife habitat that will result from the construction of the proposed development. In this regard, I note that the majority of land that will be turned over for development has

been in use for agriculture. I also note that the applicant has submitted an Environmental Report, Appropriate Assessment Screening Report and an Ecological Impact Assessment that outline the effects associated with the proposed development. Though large parts of the site may provide a variety of habitats for wildlife as a consequence of being in use for agriculture, the site is not protected by any specific designation. I am satisfied that the use of the lands for residential development will not impact upon the wildlife that may be associated with the site.

10.11. Archaeology

10.11.1. The Development Applications Unit (DAU) of the Department of Culture, Heritage and the Gaeltacht state that given the anomalies identified by geophysical survey, features identified during archaeological testing should be fully archaeologically excavated (by hand) in advance of construction preparatory works. A detailed methodology should be prepared and submitted to the Department for approval, should archaeological material be found during monitoring works may have to stop. The Department concur with the conclusions and recommendations outlined in the Cultural Heritage Report and have no additional recommendations to make with regard to National Monument 267.

10.11.2. I concur with the comments of the Development Applications Unit, therefore an appropriate condition should be attached to ensure appropriate archaeological assessment and mitigation.

10.12. Screening for Environmental Impact Assessment (EIA)

10.12.1. The applicant has submitted an Environmental Report, in which they conclude that the proposed development does not trigger any requirement for an EIAR.

10.12.2. The current proposal is an urban development project that would be in the built up area but not in a business district. 'Business district' means a district within a city or town in which the predominant land use is retail or commercial use. In this instance the centre of Kilcoole, though zoned 'Town Centre' is currently a combination of farmland, vacant sites, houses with a proportion of retail or commercial use. I do not consider that the entirety of the subject site is located on lands that could reasonably be considered to comprise a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be

mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 267 dwellings on 9.375 Hectares which is significantly below the threshold for dwelling units, the site is also below the stated threshold of 10 Hectares. The proposed development would be located on farmland between and at the edge of existing development adjacent to the centre of Kilcoole. The site is not designated for the protection of a landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no direct physical impacts on habitat of the The Murrough SPA and The Murrough Wetlands SAC.

10.12.3. The development would result in the sequential expansion of Kilcoole. The majority of the development would be in residential use, which is the predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. On the basis of the information on the file, which I consider adequate in order 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.

10.13. **Appropriate Assessment (AA)**

10.13.1. The applicant has submitted an AA Screening report that states there is no potential for direct physical impacts to habitats because the site is not located in a designated site. There is unlikely to be indirect impacts to a Natura 2000 Site because the development includes a buffer zone around the Kilcoole Stream and the development will be connected to the municipal sewerage network.

10.13.2. The site is located approximately 1.5 kilometres from the The Murrough SPA (site code 004186) and The Murrough Wetlands SAC (site code 002249). These are the two relevant designated sites in the vicinity. Surface water from the application site drains to the Kilcoole Stream that in turn drains to the coast that contains the SPA and SAC sites. The hydrological connection between the application site and the Natura 2000 sites means that an appropriate assessment screening process should be carried out to determine if the proposed development would be likely to have significant indirect effects upon them. The potential effects arise from a

possible impact on water quality, and thus the aquatic habitats that are protected in the SPA and SAC.

- 10.13.3. The conservation objectives for the The Murrrough Wetlands SAC are
To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:
- Annual vegetation of drift lines
 - Perennial vegetation of stony banks
 - Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
 - Mediterranean salt meadows (*Juncetalia maritimi*)
 - Calcareous fens with *Cladium mariscus* and species of the Caricion *davalliana**
 - Alkaline fens

- 10.13.4. The conservation objectives for the The Murrrough SPA are –
To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: –

- Red-throated Diver (*Gavia stellate*)
- Greylag Goose (*Anser anser*)
- Light-bellied Brent Goose (*Branta bernicla hrota*)
- Wigeon (*Anas Penelope*)
- Teal (*Anas crecca*)
- Black-headed Gull (*Chroicocephalus ridibundus*)
- Herring Gull (*Larus argentatus*)
- Little Tern (*Sterna albifrons*)

To acknowledge the importance of Ireland's wetlands to wintering waterbirds, "Wetland and Waterbirds" may be included as a Special Conservation Interest for some SPAs that have been designated for wintering waterbirds and that contain a wetland site of significant importance to one or more of the species of Special Conservation Interest. Thus, a second objective is included as follows:

Objective: To maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

10.13.5. There is a potential for the proposed development to have an effect on the habitats and species to which the conservation objectives of the SAC and SPA refer arising from impacts on water quality. The foul effluent from the proposed development would be drained to the municipal sewer network and onwards to the wastewater treatment plant at Greystones. Irish Water have reported that a small proportion of the development can be facilitated, the remainder is subject to infrastructural upgrades. I do not know the location, the technical specifications or the excess capacity of the Greystones WwTP. I cannot be certain that there is capacity to treat wastewater from the development or be certain of the proximity of the WwTP to either the The Murrough SPA or The Murrough Wetlands SAC. It is therefore possible that the foul effluent from the proposed development would have a significant effect on water quality in the SPA or SAC.

10.13.6. Stormwater runoff from the proposed development would discharge to the Irish Sea via the Kilcoole Stream. The volume of stormwater runoff will be attenuated by tanks on the site and surface water run-off will be limited to a maximum discharge rate of Q_{bar} or 2 l/s/ha whichever is the greater and restricted by hydrobrakes. All run-off will pass through by-pass petrol interceptors prior to discharge to the Kilcoole Stream, which would be sufficient to ensure that the stormwater effluent did not have a negative effect on water quality downstream. The operation of the development from a surface water perspective would not be likely, therefore, to have a significant effect on the quality of waters in the SAC or SPA. The application includes a Construction Management Plan that describes methods to avoid the discharge of sediments and chemical pollutants to waters during construction with respect to the movement and storage of soils, fuel and lubricants. These are standard procedures that represent good construction practice. They would ensure that the construction of the development would not be likely to have a negative effect on water quality in the SAC or SPA.

10.13.7. However, in relation to foul water effluent and the potential for effects on Special Conservation Interest bird species of The Murrough SPA or the potential effects on qualifying interests (Annual vegetation of drift lines, Perennial vegetation

of stony banks, Atlantic salt meadows, Mediterranean salt meadows, Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* and Alkaline fens) within the The Murrrough Wetlands SAC, I cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites, The Murrrough SPA and The Murrrough Wetlands SAC in view of the sites' conservation objectives.

11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

1. There is a lack of certainty in relation to the wastewater network capacity, pump station capacity and the water storage requirements for the development. Having regard to the existing deficiency in the provision of adequate sewerage and water supply infrastructure serving the subject site, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage and water supply facilities and the period within which this

constraint may reasonably be expected to cease and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the information provided in the Appropriate Assessment Screening Report dated 26 June 2018, and the absence of any assessment of the potential for effects from the deficiencies in the existing municipal sewer network and treatment system. The Board could not be satisfied that the potential for effects on Special Conservation Interest bird species of The Murrough SPA (site code 004186) or the potential effects on qualifying interests (Annual vegetation of drift lines, Perennial vegetation of stony banks, Atlantic salt meadows, Mediterranean salt meadows, Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* and Alkaline fens) within the The Murrough Wetlands SAC (site code 002249) could be logically ruled out. The Board therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites, The Murrough SPA and The Murrough Wetlands SAC in view of the sites' conservation objectives.

Stephen Rhys Thomas
Planning Inspector

06 December 2018