



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
304348-19**

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<b>Strategic Housing Development</b>	10 year permission for 253 residential units, 5 retail units, 4 office units, a childcare facility, an innovation hub facility including adjacent civic spaces, infrastructural works and all associated site works
<b>Location</b>	Bullford, Kilcoole, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Prospective Applicant</b>	Longview Estates Ltd
<b>Date of Consultation Meeting</b>	June 5 <sup>th</sup> 2019
<b>Date of Site Inspection</b>	May 30 <sup>th</sup> 2019
<b>Inspector</b>	L. Dockery

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

Below is an extract from Inspector's Report ABP-300156-17, with which I generally concur:

*'The subject site comprises approximately 9.375ha and is located adjacent to and the west of the Main Street in Kilcoole. Two sections of the site provide frontage to the Main Street one of which is currently used as a car park (c.60 metre stretch to the northeast of the site) and the other section of frontage is currently bounded by a wall (c.35 metre stretch to the southeast of the site). The majority of the site is currently in agricultural use. The Kilcoole River 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 farmyard lane'.*

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 253 residential units, 5 no. retail units, 4 no. office units, childcare facility, innovation hub facility including

adjacent civ space and all associated site and infrastructural works. A ten year permission is sought.

The following details are noted:

Parameter	Site Proposal
Application Site	9.375 ha
No. of Units	253 residential units
Density	35.5 units/ha
Other Uses	5 x retail units 4 x office units Childcare facility Innovation hub facility with civic space
Car Parking	473 spaces (residential) + 101 spaces (non-residential)
Vehicular Access	2 access points- one from Main Street and one from unnamed roadway to south
Part V	25 units

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments		42	-	-	42
Houses	-	5	171*	35	211
<b>Total</b>	-	<b>47</b>	<b>171</b>	<b>35</b>	<b>253</b>
% Total	-	18.6%	67.5%	13.8%	100%

\* Includes 42 duplex units

## 4.0 National and Local Planning Policy

### 4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

Other relevant national guidelines include:

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

### 4.2 Local

The Wicklow County Development Plan 2016-2022 is the operative County Development Plan.

Kilcoole identified 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 **applies**

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.

## 5.0 Planning History

### On site

#### 302552-18

Permission REFUSED for 267 residential units, 5 retail units, 4 office units, childcare facility, innovation hub and associated site works. The three reasons for refusal related to lack of certainty in relation to wastewater network capacity, pump station capacity and water storage requirements and prematurity by reference to existing deficiencies in provision of sewerage and water supply facilities; not satisfied beyond reasonable scientific doubt that integrity of designated sites would not be adversely affected; material contravention of an objective of Greystones-Delgany and Kilcoole LAP

#### 300156-18

A Notice of Pre-Application Consultation Opinion issued from An Bord Pleanála in relation to this subject site for 262 residential units, 8 commercial units, crèche, civic space, future use of land for community facility, laying out of internal roads and footpaths and all associated site and infrastructural works. This Opinion stated that An Bord Pleanála was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a

reasonable basis for an application for strategic housing development. An Bord Pleanála considered that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development- Roads Proposals and Layout and Wastewater Infrastructure.

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.

00/2580

Outline application for 455 units WITHDRAWN

98/9532

Permission REFUSED for pumping station.

98/8364

Permission REFUSED for 6 residential and 2 retail units in 2-storey block in northeast corner of the site.

Adjoining Site

17/887

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 (to south of Farmyard Lane)

## 6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the planning authority that one pre-application consultation took place with the planning authority on 21<sup>st</sup> February 2019.

## 7.0 Submissions Received

### Irish Water

Confirmation of Feasibility issued for this site for 266 no. residential units.

As stated in the CoF, the applicant must enter in a Project Works Services Agreement (PWSA) with Irish Water to determine both water and wastewater infrastructural upgrades to facilitate the connection of the development to Irish Water infrastructure.

The following upgrades are required- water storage reservoir; water network extensions; water network upgrades (to be determined by PWSA studies); wastewater pump station (possibly required, to be determined by PWSA studies).

The following third party consents will be required:

- Planning permission for water storage reservoir
- Planning permission for wastewater pump station (if pump station required)

The applicant has signed a Project Works Services Agreement with Irish Water.

These works are due to be complete by the end of August 2019.

Prior to completion of the upgrade works, 50 no. housing units can be accommodated.

## 8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

### 8.1 Documentation Submitted

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development)



Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Planning Report; Statement of Consistency, Part V details; Draft Action Plan; architectural drawings; Statement of Response to ABP decision; landscape drawings; Tree Survey; EIA Screening Report; Design Statement; 3D images; NIS: Cultural Heritage Assessment; Housing Quality Assessment; Arboricultural Impact Assessment; Traffic and Transport Impact Assessment; engineering drawings; Flood Risk Assessment; Engineering Assessment Report; Construction Management Plan. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **8.2 Planning Authority Submission**

8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Tipperary County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 28<sup>th</sup> May 2019.

8.2.2 The planning authority's 'opinion' included the following matters: minutes of section 247 meeting; policy context; planning history, internal reports, core strategy/housing, compliance with zoning objectives; intensity of development; phasing; design quality; childcare; public/private open space; roads and accessibility; services; Part V and site topography. The following points are noted:

- Proposal fails to meet all of the objectives for Action Area AP9 as set out in LAP and considered that the submission of application would be premature pending the approval of the Action Area Plan for these lands
- Would materially contravene the objective of the LAP as (i) the density on exceeds that permitted (ii) would result in more than 50% of the development within the Action Plan lands being completed before the link between Main Street and the Newtownmountkennedy Road is completed
- Proposed phasing plan is unacceptable as it (i) fails to demonstrate how lands are to be developed in accordance with criteria set out in LAP (ii) fails to demonstrate how proposal is to be managed ad phases appropriately to ensure infrastructure, in particular community infrastructure is provided to

match the needs of new residents- contrary to Objective HD8 (iii) fails to adequately demonstrate that the development would be carried out in accordance with sequential approach- contrary to Objective HD7

- Proposed access to northern end of site is not considered adequate to cater for the volume of traffic that would be generated by the proposal
- Would create large gap in streetscape to the south of Molly's pub- would not accord with criteria of AP9
- Design of commercial building fronting onto Main Street does not satisfy requirements of objective HER13
- Car parking demand
- Scale of crèche building is considered excessive- potential to result in overlooking of adjoining property to the north

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### 8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 5<sup>th</sup> day of June 2019, commencing at 9.15 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Previous reasons for refusal in respect of File No. ABP-302552-18
- Any other matters

8.3.3 In relation to previous reasons for refusal in respect of ABP-302552-18, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Need to overcome previous reasons for refusal in respect of water and wastewater infrastructure; appropriate assessment matters and location of residential units on area zoned as public open space

- Matters contained within report of Irish Water to An Bord Pleanála (dated 27/05/19) and report of Drainage Division of planning authority (as contained in Appendix B of PA Opinion)
- Need to address constraints outlined with Irish Water report and ensure that proposal is not premature in absence of consented infrastructural upgrades
- Matter of appropriate assessment and need to ensure, beyond reasonable scientific doubt, integrity of designated sites
- Matter of material contravention of objective of LAP and removal of fourteen residential units from open space zoned lands

8.3.4 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Unit mix and typology and extent of three bed and larger residential units
- Matters raised within Appendix B of PA Opinion in relation to traffic and transport matters
- Elevational treatments in particular onto Main Street; materials/finishes/details
- Residential amenity- have regard to surrounding residential properties; standard of amenity for future occupiers
- Justification for 10 year permission
- Submission of schedule of floor areas; daylight/sunlight analysis; areas to be taken in charge; submission of ecological survey; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections

## 8.4 Conclusion and Recommendation

8.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 8.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 8.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to water and wastewater infrastructure constraints in the network serving the proposed development, as set out in the report of Irish Water to An Bord Pleanála, dated 27<sup>th</sup> May 2019. The documentation at application stage should clearly indicate the proposals to address the issues raised therein including constraints, completion of same and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

2. Unit Mix

Further consideration/justification of the documents as they relate to the unit mix/typology in the proposed development, in particular the extent of three bed and larger residential units. This consideration and justification should have regard to, inter alia, the provisions of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and accompanying 'Urban Design Manual' (May 2009), together with SPPR 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Natura Impact Assessment which contains details, *inter alia*, which specifically and clearly address the concerns raised within previous reason for refusal ABP-302552-18 in relation to this matter
2. Flood Impact Assessment
3. Phasing Plan and justification for need for 10 year permission, given the nature and scale of development proposed
4. Archaeological Impact Assessment
5. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Appendix B of their Opinion. In addition, a report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets.
6. Cross-sections/CGIs/visualisations and any other information deemed relevant, showing proposed development relative to existing residential development in the vicinity of the site
7. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. The treatment of the ground floor apartments and interface with the public realm should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long term management and maintenance of the proposed development and should include for a Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
8. Waste management details
9. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access, with the avoidance of any 'ransom strips'
10. A schedule of floor areas for all proposed units

11. Site Specific Construction and Demolition Waste Management Plan
12. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland
6. Inland Fisheries Ireland
7. Wicklow County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Lorraine Dockery  
Senior Planning Inspector

17<sup>th</sup> June 2019