



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-305175-19

Strategic Housing Development

Mixed use residential development comprising 759 residential units, a local centre and 2 no. crèches. New green route and pedestrian/cycle connection to Arklow Town through the town marsh along the Avoca River to the south. The provision of a new playing pitch for St. Joseph's School as part of a land swap on the eastern boundary of the site. The provision of new vehicular, pedestrian and cycle access to the Dublin Road through St. Joseph's school lands and the provision of the first section of the regional road from the Kilbride Road L-6179 allowing access to the site from the north.

Location	Kilbride, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Prospective Applicant	Lioncor Developments Ltd.
Date of Consultation Meeting	2 nd October 2019
Date of Site Inspection	27 th September 2019
Inspector	Erika Casey

1.0 Introduction

1.1 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, 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

2.1 The subject site is located in the northern environs of Arklow in the Kilbride Area approximately 1.9km to the town centre. The site is bound by the town marsh to the south, the M11 to the west, by housing at Avondale Crescent/Murrell Drive and St. Joseph's School to the east and the Kilbride Industrial Estate and the Kilbride Road L-6179 to the north. The Pyramid of Arklow, a national monument and protected structure is located to the north of the site.

2.2 Arklow Train Station is located c. 2.3km from the development site. Permission has been granted (June 2015) to Wexford Bus for a Park and Ride facility at the M11 interchange immediately to the north of the site (application reference 14/1234/appeal reference PL27.244465).

2.3 The site is greenfield in character and in agricultural use. There are a number of hedgerows on the site and a number of drainage ditches and streams that lead to the Arklow Town Marsh. A portion of the site along the southern boundary is within the Arklow Town pNHA.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises a mixed use residential development of 759 residential units, a local centre and 2 crèches. This is the first phase of an overall masterplan to deliver 1,500 units on the entire landholding in accordance with an agreed Action Area Plan. The application site is part of a larger site which is identified as Action Area Plan 3 Kilbride in the Arklow and Environs Local Area Plan 2018-2024. The larger site has an area of 75.4 ha.

3.2 The first phase of development will provide new access into the site including the first section of the regional road along with local shops and services and 759 residential units. Phase 1 has been divided onto four different character areas with each area containing a range of different densities and landscape types. The delivery of the development will follow each character area sequentially, A, B, C and D as follows:

Character Area A: accommodates the main arterial road passing through the site, the new access adjacent to St. Joseph's National School, 176 residential units, crèche, a new sports pitch, a pedestrian and cycle boardwalk connection to Arklow Town through the marsh along the Avoca River, parks and landscaped areas.

Character Area B: Accessed via the proposed regional road, 193 units, parks and landscaped spaces.

Character Area C: 214 units, 1st phase of retail and services centre and village green, a second crèche and parks and landscaped spaces.

Character Area D: 176 units and parks and landscape services.

The overall development comprises:

- The residential element comprises 515 two storey houses including 90 no. 4 bed units, 337 no. 3 bed units and 88 no. 2 bed units, 166 no. duplex apartments and 78 apartments including 10 no. 2 bed units and 68 no. 1 bed apartments.
- A neighbourhood centre (c. 1,716 sq. m.) located at the centre of the development comprising an anchor unit of c. 755 sq. metres and two small retail units of 130 sq. m. and 125 sq. m. respectively and a crèche of 706 sq. m.
- Crèche located in proximity to the future school campus and the central regional spine road running through the site.
- Provision of landscaping, open spaces and play areas, including a new green route and pedestrian/cycle connection to Arklow Town through the town marsh along the Avoca River to the south. The walkway will also integrate a gravity foul sewer from the subject site via the marshlands to the Bridgewater roundabout. The route will be along a boardwalk initially through the marsh and then along Shelton Abbey Laneway which will be upgraded and finally, along a

section linking into the town which will be associated with the Flood Relief works.

- The provision of a new playing pitch for St. Joseph's School as part of a land swap on the eastern boundary of the site.
- The provision of an additional vehicular pedestrian and cycle access route to the R772 Dublin Road through St. Joseph's school lands on the eastern boundary improving connections and reducing the distance to the town.
- Provision of the first section of a new regional road alignment which will connect the Kilbride Road L6179 through the site allowing access to the site from the north. In the future, the regional road will extend to the western end of Arklow town south of the Avoca River via a new bridge (subject to future application).
- A new foul sewer connection from the development to connect into the interceptor sewer located at Bridgewater Roundabout. The design of this new foul pipeline is via the integrated walkway/foul sewer which will travel through the marsh along the laneway and in the vicinity of the proposed flood defence scheme works outfalling directly into the proposed northern interceptor sewer.
- Surface water will be discharged via gravity to the marsh area adjacent to the Avoca River. SUDS measures such as permeable paving, green roofs, filter drains tree pits, petrol interceptor and attenuation tanks in order to treat surface run off are proposed.
- All associated site development works, landscaping, boundary treatments and services provision including an ESB substation.

3.4 The housing mix is as follows:

Unit Type	No.	Percentage
4 bedroom house	90	12
3 bedroom house	337	44
2 bedroom house	88	12
Duplex	166	22
2 bed apartment	10	1
1 bed apartment	68	9

Key Parameters

Parameter	Site Proposal
Site Area	26.57ha
Developable Site Area	21.38ha
Residential	759 units
Open Space	4.89 ha (18%)
Local Services Centre	1,716
Car Parking	1,352 spaces
Bike Parking	354
Houses	515
Apartments	78
Duplex	166
Density	35.5
Plot Ratio	0.26:1
Site Coverage	25.7%
Part V	76 units

4.0 Planning History

4.1 No recent relevant planning history. There is an historic application refused permission in 2003 for a development comprising 120 houses and a crèche.

5.0 National and Local Planning Policy

5.1 National Policy

5.1.1 Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building 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.

Section 28 Ministerial Guidelines

5.1.2 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, 2018.
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- 'Architectural Heritage Protection Guidelines for Planning Authorities', 2011.

5.2 Local Policy

County Development Plan

5.2.1 Under the County Plan, Arklow is designated as a Level 3 Large Growth Town II within the Hinterland area. The population of the town is targeted to increase from 13,066 in 2011 to 23,000 in 2028. It is detailed by this year the housing unit growth requirement will be an additional 5,789 units.

5.2.2 Under the settlement strategy objectives it is stated:

SS1: *To implement the County Wicklow Core Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into the designated metropolitan growth centres and the large, moderate and small growth towns in the Greater Dublin hinterland area.*

SS3: *To ensure that all settlements, as far as practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.*

Arklow and Environs Local Area Plan 2018-2024

5.2.3 Under the LAP, the site is subject to the MU zoning objective: *To provide for mixed use development.* The southern portion of the lands are zoned Arklow Town Marsh PNHA.

5.2.4 The subject lands form part of the Action Area Plan 3 and Concept Plan as identified in the LAP. The Action Area comprises c. 81ha and is bound to the north by local secondary road L-6179 Ticknock-Kilbride (the Kilbride – old IFI plant road), to the east, by existing developed areas mainly in residential and community/educational use, to the south, by Arklow Marsh and to the west, by the M11. It is stated that the Action Area shall be developed as a mixed residential, community and open space zone in accordance with a number of specified criteria including:

- Vehicular access shall be provided from the L-6179 or from the Regional Road if possible, with the roads configuration of the development providing/facilitating

a possible future third Avoca river crossing; other secondary access routes from the adjacent road network shall also be provided as may be possible.

- Pedestrian access routes into the action area shall be provided where possible from adjacent developed areas.
- A maximum of 1,500 residential units shall be provided, in a range of development formats, densities, unit sizes and designs.
- Any residential application should provide for a number of identifiable and distinct housing estates (not exceeding 200 units), each containing materially different house designs within an overall unified theme.
- A minimum of 5ha shall be reserved for the provision of a school campus on lands zoned CE to the north east of the AAP.
- Local shops and services centre of scale commensurate with the needs of the future population of the Action Area shall be provided on a site of c. 1ha.
- A minimum of 12 ha shall be developed as public open space of which a minimum area of 4.5ha shall be laid out for active sports use; remaining open areas shall be laid out as informal parks and walks and shall include a minimum of 2 equipped children's play areas.
- The development shall be delivered in phases such that adequate road infrastructure and local services are provided for each phase; in particular, the road infrastructure to serve the Action Area Plan and local shops & services sites shall be provided in Phase 1 accompanied by no more than 50% of the residential development; and the open space and strategic road infrastructure shall be provided no later than Phase 2 accompanied by no more than 75% of the residential units (an additional 25% on top of Phase 1).
- Any development proposals shall have regard to the setting and curtilage of structures and sites of heritage value, the habitats of biodiversity value and appropriate buffer zones/mitigating measures shall be provided as required.

5.2.5 A concept plan for the future development of the lands is set out in the LAP. It notes that key parameters include:

- The possible provision of a future third Avoca river crossing and the provision of access routes from the adjacent road network.

- AAP3 will require a ‘local shops and services centre’ which will provide for the local retail and services needs of the resident population but will also include a school campus with the need for new active open space to serve both the future residents of the area and the wider area. The ‘local shops and services’ are located adjacent to the proposed school site and the existing employment lands; this will enhance the sense of place and identity of Kilbride/Templeraíneay as a neighbourhood within Arklow. The school site is located close to the existing St. Joseph’s School and in the centre of the residential areas.

5.2.6 Appendix D of the plan sets out phasing of land zoned for residential purposes. It notes that there are 3 priority development areas for Arklow and that the spatial development strategy for Arklow is the application of the sequential approach. It states that development shall extend outwards from the town centre with undeveloped land closest to the centre and public transport routes being given preference, i.e. ‘leapfrogging’ to peripheral areas shall be resisted. Action Area Plan 3 is identified as Priority 3 lands and it is stated:

“These lands are more distant from the town centre and the majority of higher order services that are located to the south of the river. While it is noted that there are local shops and services to the north of the river and indeed a major new shopping centre on the north quay, this is not considered sufficient justification to promote new development lands in AAP 3 and AAP4 above lands to the south of the river.

Furthermore, the full development of the lands is dependent on the construction of a new western distributor road and the new Avoca River Bridge in order to avoid additional pressure on the existing 19 Arches Bridge; the provision of such an alternative route will also allow for potential traffic re-routing of the town centre and allow for improvements for pedestrians and cyclists to be made in the town centre. This is however, a longer term objective, as the road and bridge have yet to be designed, approved and funded.”

5.2.7 An Action Area Plan for Area 3 Kilbride prepared by the applicant was approved by the Council on the 21st of May 2019. This noted that the AAP no. 3 was approved in accordance with the submitted AA3 plan subject to a number of criteria including:

- The development shall be carried out in a minimum of 2 phases and shall have regard to the Spatial Development Strategy and Infrastructure Delivery

Schedule as set out in the LAP.

- The development of the lands shall be linked to the provision of both physical and social infrastructure.
- Any application for development shall be subject to a full TIA and design analysis as part of the planning application process. Such an assessment would have to examine the possibility of providing a pedestrian/cycle link to the 19 arches Bridge in Arklow Town Centre as part of Phase 1 and at a minimum following the completion of the first 250 dwellings and would have to support the provision of the indicated road link to the R722 at Templeraíneay.
- Any application should include a full ecological assessment of the impact of the development on the Arklow Town Marsh which is an important natural heritage asset to the town being the principal wetland habitat in the area, providing an important flood control role and supports a variety of plant and animal life, in particular reed species and bird life.
- No dwelling shall be occupied until the proposed new Arklow Wastewater Treatment Plan is fully operational.
- The development of these lands shall be to the highest quality of layout and design.

6.0 Forming of the Opinion

6.1 Introduction

6.1.1 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.2 Documentation Submitted

6.2.1 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, Application Form; Letter of consent from WCC, Duff and Phelps and Lioncor Developments; Part V Schedule of Accommodation and Part V Drawing; Irish Water Confirmation of Feasibility; Statement of Consistency; Planning Report; EIAR Non Technical Summary; Minutes of S247 Meeting and Response; Overall Masterplan; Design Rationale Report; Architectural Drawings; Landscape Masterplan; Landscape Drawings; Engineering Masterplan; Engineering Drawings; Flood Risk Assessment; Infrastructure Report; Traffic and Transport Assessment.

6.2.2 Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the Development Plan or Local Area Plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case is summarised as follows:

- In accordance with the NPF's objectives, the development not only provides for housing but also provide employment, community and social infrastructure through the provision of the neighbourhood centre, active open space and school site. In line with objective 33, the development will provide a high quality residential scheme through the design quality and materials and finishes proposed. It is in a sustainable location which has good access to existing services and facilities.
- The provision of residential development at this location of between 2 and 3 storeys is supported by the height guidelines which encourages increased density and building heights.
- The application site will be served by high quality walking and cycling links connecting the site to Arklow town centre. A variety of unique character areas are proposed, each one designed by a separate architectural firm. Each area will have its own unique sense of place and will be self-sufficient in terms of public open space provision.
- Open spaces will be well distributed across the scheme incorporating SuDS including drainage, amenity and habitat spaces promoting biodiversity and providing residential amenity.

- A wide range of unit sizes are proposed from 1 bed apartments to 4 bedroom houses.
- The proposals will protect and enhance the natural amenity of the town marsh opening it up to public access but controlling the access so that ecology and biodiversity can be sustained.
- The design and density of the development reflects the context of the site yet is high quality, modern and contemporary.
- A variety of streets are proposed in accordance with DMURS with parking provided on street and in curtilage depending on the character of the area. The layout and design of the scheme and the location of car parking, along with the high quality, segregated cycle and pedestrian routes actively promotes a modal shift to alternative forms of transport. The scheme prioritises pedestrians and cyclists through the development using designated footpaths and limiting the access routes of vehicles in the scheme.
- All units comply with the national standards set out in the Sustainable Urban Housing: Design Standards for New Apartments 2018.
- The site has been the subject of a Site Specific Flood Risk Assessment. The study confirms that the proposed finished floor levels are above the 1 in 1,000 year return period fluvial flood event placing the units within Flood Zone C. The proposed finished road levels are also above the estimated 1 in 1,000 year return period fluvial level which means that access to and from the residential units is at a low risk of flooding.
- The development will help towards achieving the 2028 target of 4,256 additional units in Arklow and is consistent with the County core strategy.
- The proposal incorporates a new regional road alignment which will connect with the Kilbride Road L-6179 through the site. In the future, the regional road will extend to the western end of Arklow town south of the Avoca River via a new bridge (which will be delivered prior to the completion of Phase 2 of the Kilbride lands). The development also includes a second access road to the R772 to the east.
- A site is c. 6ha within the AAP has been purchased by the Department of

Education for the provision of a school campus.

- The development will be served by the new wastewater treatment plant recently permitted and due to commence construction shortly. Other short term road/footpaths, cycle improvements will be factored into the Phase 1 development as required including new connections to the Dublin Road and town centre via the proposed marsh walkway. In relation to social infrastructure, new public open space, local services centre and childcare facilities will be proposed within this Phase 1 as per the AAP3 requirements. The new school campus is also expected to progress to planning shortly by the Department of Education

6.3 Planning Authority Submission

Planning Opinion

- The site related to the SHD development is 26.57ha, with an indicated developable area of 21.38ha. The site sits within a larger land holding of 75.4ha which forms part of the Kilbride AAP3 lands. Having regard to the submitted details, it is considered that in general, the proposal would accord with the core principles for the Action Area and the indicated uses for the lands. The quantum of residential development would accord with the growth targets of the Core Strategy.
- The density of the development is considered acceptable having regard to the location of the site, the overall housing targets indicated for the lands and the mix of dwelling types proposed.
- While the AAP3 lands are identified as a Priority 3 development area, given the current constraints associated with the development of AAP1 and AAP2, the PA is generally satisfied that phase 1 of the AAP3 can be progressed at this time, with the delivery of the remainder of the 'western distributor road' (as it relates to the site) and proposals for a new Avoca River bridge forming part of Phase 2 of AAP3. Any application should include a justification/supporting statement from the applicant in relation to the development of the site in advance of the other greenfield development areas identified in the Arklow LAP as Priority 2 development Areas having regard to the Spatial Development Strategy and Infrastructure Delivery Schedule set out in the LAP.

- The general phasing of the proposal (A-D) is acceptable (if the link to the Dublin Road (R772) is accepted by An Bord Pleanála), however, if the concerns raised by the Roads Section in relation to this link road are concurred with by An Bord Pleanála, this may require a revision to the phasing of the Character Areas.
- The proposal is generally considered to be a high quality development with four distinct character areas, designed in accordance with the agreed Action Area Plan. Concern is raised with respect to the long lengths of roads within the development. All units located on corner site should have sufficient articulation to address the adjoining public spaces/public roads.
- The proposed housing mix of house types is generally considered acceptable. It is considered that the development should provide for some bungalows to allow for all types of tenure of unit mix to satisfy the aspirations of those who do not wish a communal living environment.
- The overall design and placement of the crèches is acceptable. Justification is required to show that these facilities are sufficient to service the overall development. Comments of Wicklow County Childcare Committee should be sought.
- It is considered that the quantum of retail floorspace is appropriate and the phasing of the development of the local centre as part of Character area C is acceptable.
- The quantum and distribution of public open space is acceptable. In terms of private open space, each housing unit should be provided with an area of private open space at a rate of 0.64 sq. metre per 1 sq. m. of floor area. A schedule of private open spaces afforded to each unit should accompany the full application.
- Any future application should include a full ecological assessment of the impact of the proposed development on the Arklow Town Marsh which is an important natural heritage asset to the town being the principal wetland habitat in the area, providing important flood control role and supports for a variety of plant and animal life, particularly reed species and bird life.
- A pedestrian/cycle boardwalk connection to Arklow Town which is free from all vehicular traffic is proposed through the Arklow Town Marsh into the site. It

provides permeability for pedestrians and cyclists through the marsh and provides safe and easy access to Arklow Town. This facility should be designed in accordance with the requirements of the Roads Authority and facilities should be provided in tandem with the first phase of development.

- Car parking provision and bicycle parking meets the required standards set out in the County Development Plan. The possibility of haphazard parking to the front of dwellings/within the cycle lane along sections of the link road in Character Area B is a point of concern. Further detail is required in relation to the streetscape elevation/boundary treatment along the link road in order to ensure such haphazard parking is prevented.
- The pyramid of Arklow which is a National Monument and Protected Structure and its associated graveyard are located at the north eastern edge of the landholding. It is proposed to transfer the ownership of the pyramid to the Local Authority in order to facilitate the long term preservation of the site.
- Planning permission has been granted by ABP for a new wastewater treatment plant in Arklow. This treatment plant could reasonably be operational within the lifetime of the permission (10 years) proposed, therefore, a holding type condition is required to ensure that the development does not commence in advance of certainty of the waste water treatment plant becoming operational, and within a reasonable time of such occurring, so as to avoid the development being partly constructed without any services being available at that time.
- Significant upgrades are required to the public water network to facilitate the development.

District Engineer

- The Link Road should extend to the red line boundary.
- The management and maintenance of public and communal open spaces should be undertaken by the developer/management company.
- The use of underground tanks for the attenuation of surface water drainage is not desirable as the operation and maintenance is problematic.
- Construction details of the pedestrian/cycle link through the marsh should be provided for agreement.

- The design of the junction to the Dublin Road (school link access) is deficient with regard to lack of footpath and cycle path on the southern side of the road and the proximity of the entrance to the school and the entrance to the Carrigmore Estate.
- A Road Safety Audit and a Quality Audit in accordance with DMURS and current TII standards shall be carried out at stage 1 and stage 3 for all internal, external new and upgraded roads.
- Design of the L6179/Beech Road junction upgrade shall be in accordance with the requirements of DMURS.

Roads

- Notes a number of locations where pedestrian facilities should be provided.
- Cycle network to be provided in accordance with the National Cycle Manual. Notes a number of locations where design amendment required. Identifies that there are anomalies between the landscape drawings and the engineering drawings.
- Considers that a bus stop facility should be incorporated into the main spine road design and that additional bus stop facilities should be considered.
- It needs to be demonstrated that the main spine road alignment will not be detrimental to the provision of a link and associated bridges (over the railway and river) to the Vale Road.
- The vehicular link (Road 2) to the Dublin Road (R773) is not desirable because of pre-existing congestion issues on the Dublin Road and that the access would exacerbate this; the proximity of the new access road to the Carrigmore housing estate; the proximity of the new access road to the adjacent school.
- Concerns about the road hierarchy placed on the existing and proposed road network. Further details required regarding layout and finish of shared surfaces.
- Significant length of internal roads proposed and options should be considered to reduce these. The road layout should be designed to ensure that vehicle speeds are kept to a minimum and the installation of vertical traffic calming measures is not desirable.

- Concerns regarding TIA and how development generated trip movements have been utilised. Additional junction assessment required. Number of clarifications sought regarding TIA.
- A Stage 2 Road Safety Audit should be submitted.
- Details of public lighting required.

Environment Section

- Encourages the use of swales and green roofs to address the run off. Generally the approach to runoff is acceptable. Note that there is inadequate information regarding the capacity of the attenuation tanks and that calculations would need to be provided to ensure their workability.
- Agree that the development falls within Flood Zone C.
- Concern regarding the effect of the proposals on the Arklow Flood Scheme. The development interacts with the flood relief scheme in 2 ways: the walkway providing pedestrian access for the development to the town is proposed to run along the top of the berm at the south eastern corner of the Marsh and this berm is proposed as part of the scheme and secondly, the foul sewer is proposed to be laid on the dry side of the berm in lands that are marshy and have a canal running through it. Both proposals are dependent on the berm proposed by the flood relief scheme being place. It is anticipated that WCC will lodge an application for the flood scheme to the Board in 2020. The flood relief scheme is only at planning stage and there are still a number of studies ongoing. It needs to be ensured that the construction of the sewer does not interfere with the construction of the flood defences, particularly along the back of the houses in Ferrybank and at the north side of the bridge.
- An agreement must be put in place between Lioncor Developments/WCC/OPW that if they are at construction stage prior to the Flood Relief Scheme being constructed, that the berm to the south east and diversion of the canal at this location will be carried out by Lioncor Developments. A long section of the foul sewer where it crosses the berm and turns south would be required to see the levels of the sewer in relation to the berm.

Housing

- Notes discrepancies in the drawings. 76 units are acceptable to address the Part V requirements.

Community Culture and Social Development

- Unclear where the 4.5 ha dedicated to active sports uses is located. Further clarification needed on the location and on the design of this and the facilities to be provided. A development of this scale necessitates a public active sport/recreational area to cater for either team sports or individual recreational activities for the residents of the area. Recommend that a portion of the local retail and services centre be provided as a community space for the residents of the area.

6.4 Prescribed Bodies

Irish Water (12.09.2019):

- Irish Water has issued a Confirmation of Feasibility for this development for 1,350 residential units, however, notes the revised number of 759 units at this time. It should be noted that this development is dependent on the construction of a new wastewater treatment plant and interceptor sewers in Arklow as well as network upgrades and plant/pump station upgrades. This project is on Irish Water's Capital Investment Plan and is scheduled to be complete by 2025 (subject to change).
- The applicant must also enter into a Project Works Services Agreement with Irish Water to complete a network assessment to ascertain the capacity in the local wastewater network to include:
 - Determine the optimal route from the site to the proposed interceptor sewer and confirm the extent of any upgrades which may be required to Irish Water infrastructure.
 - CCTV surveys.
 - Flow monitoring.
 - Rainfall monitoring.
 - A model update and assessment report.

- In respect of this network assessment, requirements for 3rd party consents and or other planning requirements are unknown at this time. Planning requirements to be met by the applicant will be determined by the outcome of studies and/or investigations undertaken by the applicant.
- In regard to water, given the significant scale of the development upgrades are required to IWS water network. These include but are not limited to:
 - A new pumping station at Ballyduff Water Treatment Plant.
 - Approx. 4km of new 300mm watermain between Ballyduff and the development site.
 - Approx. 100 m of 150mm NB main to the front of the development and temporary storage (830 m³) with booster pumps at the development.
- These developments (subject to change) would be required to be delivered by the applicant as part of the major connection agreement.

6.5 Consultation Meeting

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 2nd October 2019, commencing at 2.30 PM. 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.

6.5.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. **Principle of Development:** compliance with the phasing strategy set out in the Arklow Local Area Plan 2018.
2. **Infrastructural Constraints:** potential prematurity of the development pending the completion of the Arklow Waste Water Treatment Plant and associated network upgrades; the Arklow Flood Relief Scheme; and development upgrades required to IWS water network.

3. **Density:** Having particular regard to the definition of net density set out in Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
4. **Development Strategy:** with particular regard to overall site layout and architectural approach; proposed housing mix; road hierarchy and compliance with DMURS; character areas; connections and permeability, including proposed pedestrian connection through the Town Marsh and potential biodiversity impacts.
5. **Traffic and Transport:** with particular regard to access strategy.
6. **Any Other Business**

6.5.3 In relation to the **Principle of Development**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The need to demonstrate that the subject lands are sequentially appropriate for development having regard to the extent of zoned land and phasing strategy as set out in the Arklow Local Area Plan 2018.
- The status of the core strategy having regard to the Regional Spatial and Economic Strategy.

6.5.4 In relation to **Infrastructural Constraints**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The possibility of the prematurity of the development having regard to the timescale for the completion of the Arklow Wastewater Treatment Plant and associated network upgrades.
- The appropriateness of a 10 year permission in the context of SHD.
- The potential conflict of the development with the Arklow Flood Scheme having regard to the fact that this is still at design stage and consent is pending.
- The significant scale of the development upgrades required to IWS water network and the possibility of the requirement of separate consents to implement such works.
- Comments raised by WCC re: taking in charge and attenuation tanks.

6.5.5 In relation to **Density** An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Density and compliance with the Residential Density Guidelines in the context of the definition of net density set out in Appendix A of the Guidelines and having regard to the character and location of the site.
- Further clarity/justification regarding the areas excluded in the net density calculation and that there was no precedent for the exclusion of crèches. That a robust case would be required regarding the exclusion of the area under the powerlines and open space adjacent to the Town Marsh. The applicant was advised that a minimum net density of 35 units per ha would be required.

6.5.6 In relation to the **Development Strategy** with particular regard to overall site layout and architectural approach; proposed housing mix; road hierarchy and compliance with DMURS; character areas; connections and permeability, including proposed pedestrian connection through the Town Marsh and potential biodiversity impacts, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The appropriateness of the overall layout of the development having regard to the proposed housing mix and approach to density; the need to consider additional 2 bed housing units.
- The location of the proposed neighbourhood centre and viability of same; Applicant was advised to set out full rationale in urban design terms for the location of the NC at this location.
- Road layout and design; the need for an appropriate hierarchy of streets; compliance with the principles of DMURS particularly with regard to lengths of streets, the need to consider additional home zones and a more pedestrian and cyclist friendly environment.
- The need to create a high quality living environment with a focus on quality of place making with defined character areas which have a clear architectural coherence and that are developed in accordance with an overall unified theme; the applicant was advised that further detail was required regarding overall masterplan and landscape strategy to ensure a unified scheme.

- The design and treatment of the pedestrian walkway to the Town Centre; details of design and construction and possible impacts to the biodiversity of the Town Marsh; long term maintenance of the walkway;
- Interface with future school campus and the need for appropriate pedestrian and cyclist connectivity;
- Development boundary and disposition of open space in character area B; interface of duplex units at road 21 and 22 with open space area.
- Use of the proposed playing pitch and if this was for private use only, the need to consider more the provision of more active play facilities in the development.

6.5.7 In relation to **Traffic and Transport**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The need to respond to the technical requirements and detailed design matters raised by Wicklow Co. Co.
- Phasing timescales set out in the TIA (15 year timescale).
- Proposed vehicular access to the Dublin Road and appropriateness of same having regard to the concerns raised by WCC re: proximity to other entrances, congestion on the Dublin Road and differences in levels.
- Design of the Link Road and connectivity to future phases of development; the need to avoid ransom strips and the need to demonstrate that the link road will appropriately tie into future phases of development including the proposed Avoca River crossing.
- Works required to the Kilbride Road and Monument Lane to facilitate future pedestrian and cyclist facilities and implementation of same. The issue of a letter of consent was also discussed regarding such works and Wicklow County Council's stance that that such a letter is not required and that such works to upgrade footpaths and cycle ways along the Kilbride Road can be carried out an implemented through a separate statutory consent procedure such as a road opening licence. The applicant was advised that if a letter of consent was not forthcoming from the council, that this should be addressed at application stage with clarity as to how such works would be implemented.
- Servicing strategy to the local neighbourhood centre.

- Proposed Park and Ride and the likelihood of its development. Implication of this for the Mobility Management Strategy.

6.5.8 In relation to any **Other Matters**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: No further matters were discussed.

6.5.9 Both the prospective applicant and the Planning Authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting '305175' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

7.1 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.

7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

7.3 Having regard to all of the above, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements:

- Justification for the development having regard to the phasing requirements of the Arklow LAP 2018.
- Wastewater infrastructure and water network constraints and compatibility of the development with the Arklow Flood Scheme.
- Density.
- Development Strategy.
- Access, pedestrian and cycle connections.

which are set out in the Recommended Opinion below.

- 7.4 Having regard to 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.
- 7.5 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.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála 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.
- 8.2 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.
- 8.3 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. Principle of Development

Further consideration of documents as they relate to the Principle of the Development including a detailed report setting out:

- the full rationale for the development of these phase 3 lands;
- the appropriateness of the subject lands for the scale of development proposed having regard to the position of Arklow in the settlement hierarchy;
- demonstration that the subject lands are sequentially appropriate for development having regard to the extent of zoned land and phasing strategy set out in the Arklow Town Development Plan 2018.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to infrastructural constraints in particular as they relate to:

- The wastewater infrastructural constraints associated with Arklow Waste Water Treatment Plant and associated network upgrade requirements which have yet to be constructed.
- The development upgrades required to IWs water network as detailed in their submission dated 12.09.2019 and the applicant's strategy to deliver same.
- The potential conflict of the development with the proposed Arklow Flood Relief Scheme and in particular the need to ensure that the construction of the foul sewer and proposed berm does not interfere with the construction of the flood defences.
- The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these 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. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Density

Further consideration of documents as they relate to density and compliance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in the context of the definition of net density as set out in Appendix A of the Guidelines. Particular regard should be had to the need to develop the site at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage having regard to the character and location of this greenfield site on zoned serviced land and given its proximity to established social and community services in the area. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

4. Development Strategy

Further consideration of documents as they relate to the development strategy for the site, in particular the architectural approach and overall layout of the proposed development in relation to:

- The layout of the proposed development in relation to density and unit mix and particularly the prevalence of 3 and 4 bed units and limited number of 2 bed housing units.
- That a high quality living environment created with distinct character areas that are designed in accordance with an overall unified theme to ensure architectural coherence in the development.
- The need to provide appropriate pedestrian connections and permeability through the site particularly to future school campus.
- The overall design approach to the site to ensure the creation of an appropriate hierarchy of streets and full compliance with the principles of DMURS.
- The provision of active play.
- The documentation at application stage should clearly indicate how the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the Design Manual for Urban Roads and Streets have been complied with.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5. Traffic and Access

Further consideration of documents as they relate to:

- Detailed assessment of the appropriateness of the proposed vehicular access to the Dublin Road having regard to its proximity to St. Josephs Primary School and the Carrigmore Estate.
- The design of the link road to ensure it can connect with future phases of development.
- Pedestrian and cyclist connectivity to the wider area particularly along the Kilbride Road. This should include detailed design proposals including any road upgrade works necessary to facilitate the development and provide for appropriate connections to the wider area. It should also be detailed who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.3 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:

1. A plan of the areas excluded for the calculation of net density in addition to a plan of the open space within the site clearly delineating public and private spaces.
2. 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 and duplex units, landscaped areas, pathways, entrances and boundary treatment/s. 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.

3. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
4. A Traffic and Transport Assessment (to include Road Safety Audit and Quality Audit) for the proposed development.
5. 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. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Landscaping proposals should include a full method statement for the construction of the boardwalk/greenway including detail of construction methodology, proposed finishes and materials and public lighting strategy.
7. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
8. A report identifying the 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.
9. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals and Part V provision.
10. Detailed design of proposed surface water management system proposed including attenuation proposals of all SuDS features proposed on site in the context of surface water management on the site.
11. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
12. Detailed social and community audit.

8.4 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. National Transport Authority.
2. Irish Water
3. Transport Infrastructure Ireland
4. Minister for Culture, Heritage, and the Gaeltacht
5. Heritage Council
6. An Taisce – the National trust for Ireland
7. Wicklow County Childcare Committee

PLEASE NOTE:

8.5 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.

Erika Casey

Senior Planning Inspector

XXX October 2019