



An
Bord
Pleanála

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

Inspector's Report ABP-305476-19

Strategic Housing Development

426 no. residential units (245 no. houses and 181 no. apartments), a crèche and associated site works.

Location

Farrankelly and Killincarraig townlands, Delgany, Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council

Applicant

Cairn PLC.

Prescribed Bodies

1. Department of Culture, Heritage and the Gaeltacht,
2. Irish Water,
3. National Transport Authority,
4. Inland Fisheries Ireland.

Observer(s)	14 no. observations (Appendix 1).
Date of Site Inspection	29 th of November 2019.
Inspector	Karen Hamilton

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 (21ha) is located c. 2.5km south west of the town centre of Greystones, Co. Wicklow. It is currently in agricultural use bound to the south by suburban residential development, to the east the Kilcoole Road R761 and to the west, Priory Road. The site surrounds a cluster of commercial buildings around Farrankelly House which share an access off the Kilcoole Road. The site is elevated and sloping, with the ground higher along the south falling down towards the Three Trout's Stream along the north of the site and the Kilcoole Road to the east.
- 2.2. The Priory Road is typically a rural lane serving one-off dwellings, and the curtilage of the protected structure at Glenbrook House bounds the site to the northwest adjoining Priory Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of a 10 year permission for 426 no. dwellings and associated facilities as detailed below:

Table 1: Key Figures

Site Area	2.4 ha
No. of units	426 no. units
Density	35.7 units per ha
Height	1-4 storeys
Plot Ratio	0.25
Site Coverage (total site area)	21%
Active Open Space provision	4.5 ha
Greenway/ cycle route	4.2 ha

Residential Amenity Building	325m ²
Crèche	599m ²
Car parking	762
Cycle parking	225

Table 2: Housing type and mix

Units	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	-	148	93	4	245
Apartments	36	53	4	-	-	93
Duplex/aprts	-	44	44	-	-	88
Total	36	97	196	93	4	426
Percentage	8	23	46	22	1	100%

- 3.2. The proposal includes two new vehicular access junctions with a new priority junction (including upgraded frontage), located on the Kilcoole Road (R761) and a vehicular/pedestrian access from Priory Road. In addition to this, 3 no. independent vehicular access points from Priory Road to serve 9 no. dwellings and a cyclist and pedestrian link along the boundary of Eden Gate to the south is proposed.

4.0 Planning History

No relevant applications on the site.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 7th February 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the **opinion that further consideration** of the following points was required:

1. Further consideration/amendment of the documentation as they relate to the **frontage along Priory Road**, having regard to the change in the character and function of that road from a rural lane to a street within the urban area that is envisaged in the local area plan.
2. Further consideration of the documentation as it relates to the **levels across the site and its impact on co-ordinating development** with the remainder of the lands under the AAP6 zone that are outside the site, and on the treatment and use of private and public open space across the scheme development.
3. Further consideration/amendment of the documentation as it relates to the **proposed buildings containing duplex apartments** which should be sufficient to demonstrate that a proper relationship would be provided between the curtilage of those buildings and the adjoining land on all sides

Additional specific information required is summarized below:

1. A plan showing the net site area for the **calculation of the density** of the proposed development in accordance with Appendix A and section 5.11 of the 2009 sustainable urban residential guidelines. If the proposal departs from the provisions of the county development or local area plan in this regard the prospective applicant should have due regard to section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
2. A report demonstrating the provision of proper **pedestrian and cycle links** and compliance **with DMURS**. A taking in charge plan should be submitted which shows links to adjoining land up to the boundary of the site without any intervening strips.
3. A **housing quality assessment** which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments, and building lifecycle report.
4. A **Site Specific Flood Risk Assessment Report and compliance with** surface water drainage issues raised by the PA.

5. A **phasing scheme** for the development which would indicate how open space, and childcare facilities and access for the proposed housing would be provided in a timely and orderly manner.
6. Details of **proposed boundary and surface treatments** throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. A draft waste management plan.

5.2. Applicant's Statement

A Statement of Response to the issue raised can be summarised as follows:

1. The dwellings fronting onto Priory Road consist of dormer style dwellings with shared access and shared surface in response to the move between rural and the urban edge. A unit has been removed from boundary with Eden Gate and the height of the dwellings increased to 2 storey and a continuous footpath.
2. Vehicular connectivity to other lands within the AP6 zone is provided from the north of the site beside the open space, pedestrian connectivity at the centre and the site an indicative layout of residential development on the lands and inclusion of a letter of consent from the land owners.
3. The revised treatment of the duplex units and adjoining lands includes a new terraced area, own door access to ground floor apartments and a landscaped privacy strip along the rear with overlooking onto landscaped open space areas.

A response to the additional information request is summarised as follows:

1. A plan showing the net density, excluding the zoned open space such as the greenway and the active open space, is 35.7ha.
2. A report showing the pedestrian and cycle links delineates between primary and secondary circulation and a DMURS compliant report.
3. A Housing Quality Assessment submitted indicates compliance with SPPR 1 (mix), 4 (minimum areas), 4 (dual aspect), 5 (floor to ceiling heights), 6 (units per core). A Building Lifecycle Report is included.

4. A Site Specific Flood Risk Assessment submitted concludes that the housing is in Flood C and although the Three Trout's Stream may have a certain degree of flooding it will not reach the proposed development.
5. The Phasing plan includes the open space, road link, residential amenity and 173 no. dwellings in Phase 1. Phase 2 incorporates the remainder (253 no. dwellings), public open space and crèche.
6. In relation to the boundary treatment, existing planting is to be enhanced along the west and a condition is recommended to be attached to any grant of permission relating to taking in charge standards.
7. A Construction Management Plan is submitted.
8. A Waste Management Plan is submitted.

5.3. **Statement of Consistency**

The statement of consistency demonstrates that the proposal is consistent with the relevant National, Regional and Local Policies and a copy of the Action Plan to comply with Policy AP6 of the LAP is accompanied by an opinion from Senior Counsel that the Board can grant permission for this SHD.

5.4. **Statement of Material Contravention**

The proposed development has been advertised as a material contravention and the statement submitted includes justification for the contravention. The report has been summarised as follows:

Density

- The proposal materially contravenes Objective RES5 of the LAP and Objective HD5 of the CDP in terms of permissible density where 22 units per ha is deemed the maximum for lands.
- The proposed density is 35.7ha.
- The density is justified under Section 28 guidance for sustainable residential development and the National Planning Framework 2040.

Apartment Heights

- Objective HD13 only permits apartments in designated centres/ settlements on mixed use designated lands or those within 10 min walking distance of a train or light rail station.
- The NPF refers to projection that average household size will be 2.5 by 2040.
- Greystone is located within the Dublin Metropolitan Area.
- The DART is located 2.1km from the site.
- SPPR 4 of the building heights guideline requires a greater mix and typology of housing on suburban / greenfield lands.
- The apartment's guidelines require apartments to be considered in the mix of house types provided.
- 93 no. apartments are provided as well as 88 no. duplex units.
- Apartment developments are in residential estates of Charlesland and Eden Gate, further away from Greystones centre and the DART.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

6.2. 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')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

6.3. Wicklow County Development Plan 2016-2022

- Greystones is located in the Metropolitan area of Dublin and is a Large Growth Town (Level 3).
- Greystones/Delgany has a housing unit growth requirement of 5,034 units by 2028 under its core strategy.

6.4. Greystones/Delgany and Kilcoole Local Area Plan 2013-2019.

The site is zoned as a mix of residential (R22), Active Open Space (AOS) and Open space (OS), as detailed below, and included within an area designated as AP6 which requires the submission of an action plan.

- **R22**- 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.
- **AOS** - To provide for active recreational open space.
- **OS** - To preserve, provide for and improve public and private open space for recreational amenity and passive open space.

Section 10.1 of the plan states - The position, location and size of the land use zonings shown on Map A within the action plan areas are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography.

Table 1.3 states that 390 units could be provided on the AAP6 land.

Section 10.7 - AP6: Farrankelly Action Plan

This action plan is located at Farrankelly, on a site approximately 24ha in size. This area shall be developed for a mix of uses including residential and active open space, in accordance with the following:

- Approximately 17ha to be developed for residential use.
- Approximately 4.5ha of land shall be provided for active open space.
- Lands identified at risk of flooding (under the FRA) shall be preserved as open space.
- Roads shall be provided in accordance with RO7, Section 7 of the plan.

- Provide for the development of a 'greenroute' for the provision of pedestrian and cycling facilities linking the RO7 road objective to Eden Gate. This route shall be a minimum width of 10m, in order to facilitate the development of a possible traffic route, should the need arise in the future.
- The residential amenity of existing adjoining properties shall be protected.
- Protection of natural and built heritage, including rivers and trees.
- No more than 50% of houses shall be delivered prior to the provision of the active open space.

Housing

- Objective RES 3 - **Phase** development on zoned lands in accordance with a sequential approach, extending outward from centres and contiguous with existing development.
- Objective RES 5- Maximum **density** as indicated on Map A and described in Table 11.1: Zoning Matrix. Inclusion of apartments only in permitted designated centres and within 10m of the Greystones train station.
- Objective RES 14 - seeks to facilitate the development of housing options for older people within the plan area.
- Objective RES 12 is to ensure a **mix of house type**, size and tenure, and in particular to ensure an appropriate balance between the amount of social, affordable and private tenure.

Roads and Connectivity

- Objective RES 4 requires housing developments to be designed to provide future **road access to** adjoining development lands (applied to zoned lands at Kindlestown Upper).
- Table 7.1: Roads Objectives- RO7 "*Provide for a local access road to facilitate the development of zoned lands and to provide for the development of a through road from Priory Road to R761*".
- Objective TS12 seeks to develop the 'greenroute' network for pedestrian and/or cycling facilities (as set out on map B).

Biodiversity

- TO6 – Tree Protection Objective relating to a line of Scots Pines in the western portion of the site.

6.5. **ACTION PLAN AP6**

In order to comply with the LAP objective, an action plan for lands at Farrankelly, Greystones, Co. Wicklow accompanied the application which includes the following:

- Landownership
- Context and Heritage Features
- Development Strategy for the site
- Map 1- Zoning Map
- Map 2- Survey of the site
- Map 3- Land Ownership
- Map 4- Site Strategy Map
- Map 5- Connectivity
- Map 6- Service Connections
- Map 7- Indicative Phasing Map
- Appendices- Letters of Consent of owners within the AP6 area.

Natural Heritage Designation

- 6.6. The site is located c. 3.2km south of Bray Head SAC and c. 1.2km to the east of Glen of the Downs SAC and c. 2.4km to the north west of The Murrough Wetlands SAC.

7.0 **Third Party Submissions**

- 7.1. A total of 18 no. submissions were received in relation to the proposal of which 4 no. of these are prescribed bodies, further detailed below in Section 9.0. The remaining submissions are from management company of the adjoining residential area, residents of properties in the vicinity, Local Councillors and local sports

representatives and the issues raised are similar in nature, therefore, I have summarised into common themes below:

Principle of development

- The proposal is not developed in a sustainable way and will lead to a heavy reliance on cars.
- There has been no growth in public transport relative to the growth in the area, Dublin Bus Route & Dart.
- The material contravention for additional density on the site is not justified and apartments should not be permitted on the site.
- The provisions of Section 37 (2) (b) cannot be met.
- There is no bungalows for older people to downgrade.
- The phasing of lands sequentially has not been met.
- Affordable homes will not be provided.
- The proposal is unsustainable and fails to promote joint residential/ economic.

Traffic

- Section 5.5 of the Transport assessment states that the development is not reliant on the access onto Priory Road and can be served from Kilcoole Road.
- Objective RO7 only allows for a through road from Priory Road to the R761 as stated in the plan.
- There are serious concerns relating to road safety.
- The amount of access onto the Priory Road will cause a significant traffic hazard.
- The road safety team undertook a site inspection when schools were closed and therefore volumes were low.
- The sightlines stated at 35m where traffic is only 25kmph is unrealistic as traffic is faster.
- The R761 is an extremely busy road and there is already increased volumes of traffic from recently developed estates along the road.

- The new development, 762 cars, will have a negative impact.
- The sightlines are extremely poor.
- It is currently difficult to access and egress Glenbrook.
- There is no safe pedestrian or cycle connectivity towards schools, along the rural road or across the main roads.
- Additional parking at the DART station is required.
- The park and ride is full and additional cars cannot be facilitated.
- The N11 is already full with cars at commuting times as noted in the M11/N11 study Need Assessment Report.
- Based on the modal split in the proposal the granting of permission will have a negative impact on the N11.
- A Traffic and transport plan should assess both the services available and the demand for services.
- More than 20 cycle spaces should be provided.
- There is limited car parking and this should be increased.
- Fast charging electric points should be provided at apartments and duplexes.
- Pathways should be all along the Priory Road and not intermittently.
- Good quality lighting is required along the road.
- The percentage traffic increase used in table 6 is questioned.
- The speed limit should be reduced along the L5027 to accommodate the construction traffic etc. and include a white carriage way line all the way down the middle.
- Traffic calming measures should be included at the junction onto the R762.
- A one-way system would remove a significant amount of concern over the traffic hazard.
- The developer states that when the surrounding area is developed the road will be upgraded.

- The proposal does not comply with DMURS or the TII Geometric Design of junctions.
- The information contained in Appendix B of the Traffic and Transport Assessment Report shows an additional 20 left from Priory Road to R762 which is an extraordinary low route.
- There are no plans to upgrade the Priory Road.
- Reference is provided for a similar development refused by the Board (PL27.248705) for impact on the capacity of the N11/M11.
- The impact in the N11 is completely ignored in the Transport Assessment.

Access between Farrenkelly and Eden Gate

- A green route between RO7 road objective and Eden gate for cycling and pedestrian access should be a minimum of 10m.
- There is no necessity for a new traffic route at this location.
- This vehicular access would encourage heavy vehicles through Eden Gate.
- The planning report includes an allowance for a future setback to allow a future road upgrade to the south at Eden Gate, this should be discouraged and removed from any further consideration.
- The spine road through Eden gate has not been taken in charge as yet.

Visual Impact

- The site is elevated and highly visual from the surrounding area.
- The proposed development will be incongruous in its surroundings.
- The only developments close to the Three Trout's Bridge is single storey dwellings which are not visually obstructive.
- A previous development Reg Ref 05/4432 was refused having regard to the visual impact.

Excavation

- The excavation on the site will seriously undermine the existing residential properties.

- There are underground streams which feed into the Three Trout's River.
- There may be sinkage on the lands.

Residential Amenity

- The lighting plans will cause light pollution on adjoining properties.
- There will be a substantial increase in the noise levels from 762 cars.
- There will be a significant disruption during construction.
- The negative visual impact will reduce the value of property in the vicinity.
- The new dwellings are at a level which will cause overlooking onto existing properties.
- There is concern in relation to the buffer provided along the north of the site in relation to maintenance, security and anti-social behaviour.
- The proposal is not in keeping with the pattern of development in the vicinity.
- There is no provision for affordable housing.
- The Part V should be spread across the site rather than clustered.
- There is currently a shortage of childcare spaces in the vicinity and the crèche should be provided in phase 1.
- The EIAR states that the construction hours will be 0700 to 1900 Mon- Fri and 0800 to 1800 on a Sat which will have a significant negative impact.
- The traffic assessment states that construction will only be via Kilcoole Road although this was also stated during for the Eden Gate development and this never happened.

Biodiversity

- Original hedgerows should be retained where possible.
- Planting should be cognisant of the All Ireland Pollinator Plan.
- The wooded area to the north should be expanded further south and planting should be native.
- Planted rooftops should be considered.

- Hedges along the Priory Road should be cut without damage to birds.
- There is no detail for planting or screening along the boundary wall of No 1-20 Priory Drive.

Open Space

- The active open space should include a cricket pitch.
- A full sized synthetic pitches should be included and any pitch should meet FIFA quality standards.
- The local clubs should be allowed to use the pitches and this should be included as a condition.
- The greenway should include lights for security.

Other

- Solar panels should be incorporated.
- There is no necessity for large advertising hoardings on the site.
- The EIAR has no regard for the Climate Action Plan.

8.0 Planning Authority Submission

8.1. Introduction

The submission from the planning authority includes a breakdown of the submissions, the interdepartmental reports and the views of the elected members. The planning authority consider the overall development is acceptable, in general compliance with policy and providing compliance with a number of conditions there is no objection to the proposal. The information in the Chief Executive Report is summarised below.

8.2. Summary of Elected Members

- Some of the elected members support the proposal.
- The density is excessive.
- Concern in relation to the removal of the rural character of Priory Road.
- Concern in relation to the removal of the hedgerows and trees.

- Scheme will be visually obtrusive and incongruous.
- Part V proposal is unacceptable.
- The proposal materially contravenes the development plan/ density and location of apartments.
- The existing crèches are at capacity and should be located in Phase 1.
- The pitches should be constructed to a high standard.
- The amenity building looks like a commercial building.
- There is concern over the capacity on the social infrastructure in the vicinity.
- Impact of construction on the integrity of homes.

8.3. Chief Executive Views

Principle of Development

- There is currently housing capacity in the Greystones/Delgany LAP and the estimation for units is only indicative.
- The development site excludes Farrankelly House and the proposal for 426 no dwellings does not significantly exceed the allocation in Table 1.3.
- The lands can be serviced and are contiguous to other residential development.

Roads and public transport infrastructure

- It is acknowledged that the M/N11 is at capacity although Greystone's is a level 3 Large Growth Town, supported by the RSES and in the urban metropolitan area.

Zonings

- There are three zonings with the site.
- Section 10.1 of the LAP states that the position, location and size of these zonings on Map A within the action area plan are indicative only and subject to certain criteria.
- Development should be in accordance with the objectives for AP6 and the swapping can be facilitated in accordance with Section 10.1.

Action Plan

- The lands including Farrankelly House are included in the action plan area.
- The proposed development allows for potential vehicular connection into the adjoining lands which have been excluded which is considered acceptable.

Density

- The lands are zoned for residential 22 per ha, the proposal includes 35.7 per ha which although a contravention is in line with the sustainable residential guidelines and SPPR of the building height guidance.

Apartments

- HD13 apartments will only be permitted in designated centres in settlements & 10mins walking distance from train.
- RES5 apartments will only be permitted in town centres or district centres.
- The four storey apartment blocks at the centre of the site are considered acceptable and comply with the national guidance

Social Infrastructure

- The open space will deliver a significant amount of social infrastructure.

Flood Risk

- Lands along the Three Trout's stream are subject to flood risk, no new houses are proposed and they have been reserved for open space, greenways and walkways.

Traffic, transport and pedestrian/ cycle connectivity

- The NTA have raised concern that the Spine Road will encourage new car based trips as it provides an alternative route for traffic to travel between Priors Road and Kilcoole Road.
- The Spine Road is required to comply with Objective RO7 and will provide connectivity for the wider area in particular the Greystone's urban area and Eden Gate.
- The meandering design will discourage high speeds.

Kilcoole Road/ R761

- Policy RO6 relates to the improvement of the R761 from Burnaby Heights to Kilcoole.
- Policy RO12 requires the upgrading of the R761 Three Trout's Bridge (widening of bridge and footpath).
- There are footpaths absent along the R761 and it is noted the applicant is not in control of lands.
- Two pedestrian crossings are proposed along the R761, although not ideal the proposal does allow for connectivity and the final designs should be confirmed with the planning authority prior to commencement of development.
- The location and design of the footpath should be confirmed with the PA to ensure integration of a cycle route.

Priory Road

- Objective RO11 requires the upgrade of Priory Road and the inclusion of a footpath.
- The roads department indicate the kerbside boundary is not set at a sufficient distance.
- The TTA ent will not have a significant impact on the junction of Priory Road and R762 (Delgany village)
- A condition should be included restricting the use of the through route (RO7) until the Priory Road is upgraded from the site to the Eden Gate Roundabout and a footpath is constructed along the developers frontage.

New Junctions on R761 and Priory Road

- The Road Section do not consider the information submitted in the TTA is sufficient to demonstrate the entrances to the Kilcoole Road and Priory Road can accept the anticipated traffic movements.
- The roads section have accepted the reduction in sightlines for entrance no 1, having regard to the reduced speeds on the corner of Priory Road.

Eden Gate Link

- AP6 requires the provision of a “greenroute” for pedestrian and cycling facilities from the RO7 road and Eden Gate (min 10m width) which the proposal provides.

Internal Road Design

- The final location and design of the internal roads should be confirmed before the development.

Greenway

- A greenway has been provided as per the hectare plan, and can connect to other greenways on adjoining lands in the future.

Layout and Design

- The dwellings along Priory Road are appropriate at this location.

Heritage Objectives

- TO6- Line of Scots pine trees Delgany, Farrankelly are protected trees and to be retained.
- The proposal respects the character of the adjoining protected structure 08/78 Glenbrook House, Delgany.

Visual Impact

- The impact of the cut and fill along the main spine road requires assessment.
- Landscaping proposals for the entrance is acceptable.

Public Open Space

- The CDP requires 15% of open space provision reduced to 7.5% where a public park is being provided by the developer.
- The proposal provide 1.8ha of public open space. Confined space or excessively sloping space will not be accepted.
- The south western portion of the scheme does not include any central amenity space.
- Having regard to the good open space provision in the overall scheme, the open space proposals are acceptable.

Mix

- HD15 of the CDP requires a range of unit types including bungalows.
- HD17 of the CDP the maximum size of any residential estate shall be 200 units, over 200 units shall be broken into smaller estates.
- Appendix 1 of the CDP includes development management criteria including a range of house types and materials.
- RES13 there is a shortfall in family type accommodation in the Greystones area and preference will be given to these type of units.
- RES14 The development will facilitate for older persons.
- The breakdown is considered acceptable.
- A number of 3 bed single storey dwellings should be included.
- Part V The housing section have made comment on the provision
- The apartment guidelines standards have been complied with.

Impact on Amenity of residents

- There is some concerns in relation to the structural stability of the works on hoke in the vicinity of the site and a geotechnical report should eb submitted.

Car parking

- 762 parking spaces are provided, 832 are required as per the CDP standards.
- The shortfall of 70 parking spaces should be complied with.

Bicycle parking

- 225 cycle parking spaces are provided, 520 are required as per the CDP standards.
- The shortfall in 295 spaces should be complied with.

Childcare

- The size of the childcare facility is considered acceptable.
- Cairn have constructed two housing development within the vicinity of the site and the crèche has not been constructed.

- There is no capacity within the existing crèche facilities.
- The crèche should be provided as part of the Phase 1 prior to occupation of houses in Phase 2.

Playing pitches.

- A football pitch, tennis court and running / training area are proposed.
- No changing facilities has been provided.
- The overflow car parking area should be tarmacked to allow for coach parking
- The management proposal should be indicated before the taking in charge is permissible.

Residential Amenity Building

- The use of the building is considered acceptable
- The use for 3 years as a marketing suite can be agreed prior to development.

Signage

- The LAP requires not more than 50% of houses to be provided before the open space provision.
- This should be included as part of the phasing.

Construction Management Plan.

- This has been raised by third party submissions and should be addressed by way of condition.

Archaeology

- The submission by the Department if noted as the recommendation for a condition.

Services

- A pumping station is required to accommodate the foul drainage form 46 units at the north of the site.

- The taking in charge drawing shows Irish Water will take it in charge although no letter is submitted to confirm this. A condition should be included requiring this confirmation.
- The foul and storm water from the adjoining Glenbrook Park cross through the site and have not been shown on the maps.
- Foul is a matter for Irish Water.
- The submission of details of the storm for Glenbrook Park should be conditioned.

Protected Species

- The proposal to deal with these is considered reasonable.

Taking in Charge

- It is proposed to take in charge the estate and the PA standard condition is considered suffice.
- Issues are raised in the WCC engineers report.

8.4. Summary of Consistency

- Wicklow CDP: The proposal is not consistent with objective HD15 with regards bungalow provision
- AP6 Farrankelly Action Plan: The proposal is not consistent with the density and Policy RES5 restricting the location of apartment development. A phasing condition can ensure compliance with 50% delivery of active openspace.

8.5. Interdepartmental Submissions

Housing and Corporate: No objection subject to conditions.

Transport, Water and Emergency Services: Recommend a refusal based on the absence of DMURS compliance, the internal layout, absence of a footpath along the Priory Road and access onto the same, the provision of a pumping station and the internal road layout to be taken in charge.

8.6. Recommendation of Conditions

28 no. conditions are listed for inclusion of which the following are of note:

C 1- Details of the footpath and a reservation area along the entire site boundary of the R761 Kilcoole Road.

C 2- Pedestrian crossing points on the R761

C 3- Full details of the upgrade of the Priory Road including the provision of a footpath and adequate road width.

C 4- Detailed design of the main entrances to Kilcoole and Priory Road in accordance with TII Road Design

C 5- Internal Road Design

C 7- Greenway

C 8- Replacement of two storey dwelling with single storey dwellings

C 9- Geotechnical Report

C 11- Submission of 520 cycle spaces

C 12- Details of building in the open space, pitches, parking etc.

C 14- Phasing condition

C 17- Archaeology

C 18- Taking in charge pumping station.

C 19- Storm water diversion

C 20- Bats

C 21- Invasive species management plan

C 22- Tree Protection

C 24- Management of the open space.

9.0 Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: No objection subject to conditions relating to archaeology monitoring during construction.

Irish Water: No objection subject to a valid connection agreement.

National Transport Authority: No objection to the principle of the development and raised the following concerns:

- Section 7.1.2 of the Transport Strategy refers to filtered permeability throughout the site (discourage private car use) which is also supported in Section 3.4.2 of DMURS.
- There is concern the Spine road will act as a through route for the private car and have a detrimental impact on the residents and discourage alternative transport access.

Inland Fisheries Ireland: No objection subject to the inclusion of the following:

- Maintenance policy for the surface water infrastructure,
- Submission of a detailed CEMP with all detailed listed in Section 16 of the EIAR,
- An Invasive Species Management Plan, and
- Details of the pedestrian crossing over the Three Trout's Bridge.

10.0 **Appropriate Assessment Screening**

- 10.1. The applicant has submitted an AA Screening report that states significant adverse effects are not likely to arise, either alone or in combination with other plans or projects to the Natura 2000 network.
- 10.2. The site is located c. 3.2km south of Bray Head SAC, c. 1.2km to the east of Glen of the Downs SAC and c2.4km to the north west of The Murrough Wetlands SAC. The features of interest for the Glen of Downs SAC includes Old sessile oak woods with Ilex and Blechnum in the British Isles (code: 91A0). The features of interest for the Bray Head SAC includes vegetated sea cliffs and European Dry heaths and the features of interest for The Murrough Wetlands SAC includes coastal habitats and salt meadows. The AA Screening Assessment considered all Natura 2000 site and concluded the Glen of the Downs SAC and Murrough Wetlands SAC as the only possible Natura 2000 site with a potential pathway, which I consider reasonable.
- 10.3. It is proposed to construct a new surface water drainage system for the development to collect runoff from roads and footpaths together with any additional runoff from

other hard surfaces. It will be entirely separate from the foul system. This will be constructed in accordance with Greater Dublin Regional Code of Practice for Drainage Works and Wicklow County Council requirements. An attenuation storage tank will hold peak flows from a 1 in 100 year storm event. SUDS methods to be ancillary to the attenuation tanks, although permeable paving and soak ways are incorporated. These measures will ensure that the quantity and quality of rain run-off will be maintained at the 'greenfield' rate. Discharge will be via a flow control device to the Three Trout's Stream, which runs along the north of the site, in turn discharging to the Irish Sea a short distance thereafter. These are standard design measures which are routinely incorporated into all new building development and are not included to reduce or avoid an effect to a Natura 2000 area. The Three Trout's Stream does not provide a pathway to any Natura 2000 site.

- 10.4. Having regard to the scale and location of the proposed development and the nature of the receiving environment, in particular the absence of any direct hydrological link or other relevant pathway that could give rise to a significant effect on any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

(i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The development would provide 426 no dwellings on a site of 21.2ha in a town. The proposal is below 500 dwellings but exceeds the threshold of 20 ha stated in b (iv) and so EIA is mandatory.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out at previously this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides a non-technical summary of its content.
- Volume 2 includes the Written Statement of the EIAR, and
- Volume 3 includes the Technical Appendices (geophysical survey, Archaeological Assessment, Traffic Surveys and assessment, DMURS compliance and ground investigations).
- Table 1.4 describes the expertise of those involved in the preparation of the report.
- Mitigation measures described throughout the report are summarised in Chapter 16.
- The Screening for Appropriate Assessment is detailed above, as a separate assessment.

11.2. The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.3. **Alternatives.**

Chapter 2 of the EIAR includes a background of the overall development and the construction management employed within the term of development. It is envisaged the timescale for construction works will range from between 2 years and up to 5 years. The applicant has applied for a 10 year permission.

Three reasonable alternative solutions have been assessed as summarised below:

1. Indicative uses location within the LAP for AP6- Farrankelly.

The proposal, pre alteration of the land use zonings in the Action Area Plan, is not deemed acceptable due to the steeply sloping nature, archaeology on the site and the provision of open space along the Three Trout's Stream.

2. Proposal Q1- 2017

This proposal, for 328 no. dwellings would provide a gross density of c.23 units per ha which is not in compliance with SPPR 4 of the apartment guidelines, the building height guidelines or support a compact urban form.

3. Proposal presented at pre-application stage

The layout of the active open space has been amended with floodlighting removed from playing pitches as a positive to the impact on bats.

The proposed preferred alternative is deemed the most appropriate having regard to the environmental issues, as further detailed below.

11.4. **Population and human health**

Chapter 3 includes an analysis of the impact on population and human health as prescribed in the new EIA Directive. An analysis of the receiving environment indicates an increase in the **economic and employment** levels and increase in population of the Greystones/ Delgany in line with the national average. The provision of housing at this location is deemed compliant with the planning policy for the site.

The potential impact from the development on the population and human health will in the most part come from the construction phase with positive impacts on the economy and slight negative short term impacts from traffic, associated nuisance, dust and noise. Mitigation measures detailed throughout the EIAR including the Traffic and Transportation Assessment (TTA), Construction Management Plan (CMP) and Waste Management Plan (WMP), will mitigate against negative impacts.

Third party observations are concerned the impacts from the construction phase will have a significant negative impact on their amenity and note the timeframe for construction, use of the Priory entrance and the hours of operation.

The **CMP** deals with mitigation measures for traffic etc. I consider these short term indirect impacts and not significant. The impact from noise is dealt with separately below, as per Chapter 8. I note the long term benefits from the proposed development, in particular the quantum of open space and provision of crèche, on the residential amenity is deemed a long-term permanent positive benefit which I consider acceptable.

11.5. **Biodiversity**, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

Chapter 4 details the impact on biodiversity with the location of the Natura 2000 sites, national site and protected species listed. Reference to a historic record of protected species on the site is noted. A full ecological survey of the site refers to low biodiversity in most of the site with greater ecological value along the Three Trout's River to the north and the presence of Giant Rhubarb (invasive species) to the east of the site.

A detailed **Bat Assessment**, accompanied the application and the findings were incorporated into the EIAR. I note the information contained in both, the absence of any identified roosts, the trees and hedgerows to be removed, retained and planted. A breeding bird survey was undertaken and further assessment of other fauna, and fish species, do not record any evidence of the presence of rare or protected species.

Mitigation Measures include an Invasive Species Action, retention of trees protected, enhancement of planting with like for like and native species along identified areas and the restriction of artificial light along the river valley and

greenway. Good site management is detailed as reducing any potential impact on the surrounding area. Inland Fisheries Ireland request the submission of an Invasive Species Action Plan to adequately deal with the Giant Rhubarb on the site. I note the EIAR refers to the removal of this species although I consider an Action Plan should be agreed with the PA before any works commence on the site and should confirm any Invasive Species have been eradicated. I consider this may be reasonably included as a condition.

I note **submissions**, both the Transport Section and third parties, requesting the inclusion of floodlighting along the greenway to avoid anti-social behaviour, although having regard to the information contained in the EIAR and Bat Assessment I consider this should be restricted to prevent any long-term negative impact on the wildlife.

A list of all those Natura 2000 sites within a 15km radius and an assessment of the impact on the conservation objectives of The Murrrough Wetlands SAC and p NHA and The Glen of the Downs SAC and p NHA are included. As detailed above a Screening for Appropriate Assessment has been carried out as a separate assessment above. It concludes that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, is referred to in this instance.

I note the detailed surveys which support the EIAR and the enhancement and mitigation measures and I do not consider the proposal will have a significant negative direct or indirect impact on the biodiversity, in particular any protected species or habitats.

11.6. **Land and Soils,**

Chapter 5 assesses the geological and hydrogeological impacts of the proposed development and relies on desk top analysis and ground investigations carried out on the site (Appendix D). The site is classified as a poor aquifer with moderate groundwater vulnerability along the Three Trout's River. The geotechnical testing did not record any significant findings.

The site slopes steeply from the south down to the stream along the north. A large amount of **cut/fill** is proposed to accommodate the development. Approximately 71,340 m³ of cut and c. 61,146m³ of fill is required. Soil will be reused on site for

landscaping purposes where feasible. Recommendations in the EIAR to minimise impacts on the soil and surrounding area include the use of a cut-off wall and appointment of a specialist dewatering contractor. The stripping of the site will have a short term negative impact on the site.

Infiltration testing indicates that parts of the site may not be suitable for SuDS and therefore surface water attenuation is provided for the entire site at separate catchment areas, with contaminants removed before release. A pumping station for 43 no. dwellings is proposed as they cannot be served by gravity and the remainder connecting to the public system. Irish Water have no objection to the proposal.

Third Party observations refer to the extent of level change across the site and the impact of works on the stability of their properties. The submission from the PA recommends a condition on any grant of permission requesting the submission of a Geotechnical Report. Cross Section drawings submitted with the application illustrate a site difference of c. 1m between the south west of the site and the existing residential estate at Eden Gate, where the subject site is slightly higher and at the south east adjoining Glenbrook Park the subject site is lower by c.3m and boundary planting is proposed in addition to a 1.8m high post and timber fence over a retaining wall. I consider the site levels in conjunction with the proposed boundary treatment will not cause any significant negative impact on the residential amenity of those residential to the south of the site.

Mitigation measures proposed in the form of a CMP, TTA and Construction Waste & Management Plan, as previously noted, are considered appropriate. I consider the surveys contained in the EIAR and accompanying plans and particulars present sufficient information to undertake an assessment on the land and soils and having regard to the recommendation from the geotechnical testing to use of a cut-off wall and appointment of a specialist dewatering contractor during excavation I consider any significant negative impacts will be mitigated.

11.7. **Water (including flood risk)**

Chapter 6 includes an assessment of the hydrological impacts of the proposed construction and operation with the likely hydrological impacts listed as erosion from subsoil and surface water during construction leading to negative impacts on the Three Trout's River and ability of the grounds to recharge groundwater. Other

impacts on surface water include pollution from construction activities. During operational phase contamination of surface and groundwater is listed as a potential of risk.

A list of mitigation measures have been included in the **CMP** and reiterated in the EIAR including the use of a site drainage system during construction works which will direct all run-off to settlement ponds and oil interceptors prior to discharge and the pumping of ground water during excavations through a temporary drainage settlement system. Sedimentation control methods include retention pond and surface water inlet protection. In addition, I note the recommendation to use of a cut-off wall and appointment of a specialist dewatering contractor during excavation, detailed above in relation to land and soils, which can reasonably be conditioned to provide additional protection for surrounding areas from additional uncontrolled runoff.

A **pumping station is** proposed to treat the foul water of 46 no dwellings on the site, designed to Irish Water (IW) Standards, connection to the public system and a storm water management system limiting run-off to greenfield rates will ensure the appropriate protection of water in the long term. The PA raised concern over the absence of sufficient confirmation from Irish Water regarding the taking in charge of this infrastructure. A response from Irish Water confirms no objection to the proposal, and having regard to the information contained in the plans and particulars relating to the treatment of the wastewater I am of the opinion that Irish Water are aware of the inclusion of a pumping station and a condition requesting the construction of the infrastructure to IW standards is sufficient.

The PA and third party observations reference the absence of any surface water connections and the existing services from Glenbook Estate. The surface water will be treated in the most part via 6 attenuation tanks and discharge to Three Trout's River due to the poor filtration properties of the soil. The proposal includes the diversion of a 600mm concrete sewer from Eden Gate and construction of a new surface drainage system to collect runoff from roads. The proposal does not include any reference to the network provision for Glenbrook Park and this can be reasonable dealt with by way of condition on any grant of permission.

A **Site Specific Flood Risk Assessment** accompanied the application which provides a Stage 1 assessment to conclude there is little risk of pluvial flooding due to the location of the structures and therefore a justification test is not required. I note the location of the flooding along the edge of the river and the topography of the site and I do not consider it a necessity to undertake a justification test.

I do not consider the proposed development can be adequately serviced and will have any significant long term impact on water during construction or operational phase.

11.8. **Air Quality and Climate;**

Chapter 7 provides a background on the air quality and climatic impacts from the proposed development. The current air quality is within applicable standards. The potential impacts from construction relate to the short term dust emissions. The standards for national **air quality standards** are to be retained during the construction. Site clearance works between a 2-3 month periods may generate wind-blown dust particles which will be temporary in nature. Mitigation measures proposed in Section 7.6.1 include the use of appropriate equipment during construction, spraying during dry periods and the use of road sweepers to name a few.

In relation to **operational** activities the buildings will comply with the new Building Control Standards and will be thermally efficient buildings and a mechanical ventilation and recovery system incorporated into the design of the apartments. The location of the site close to Bus Operators and a DART station will significantly reduce the number of private vehicles. Nitrogen Dioxide monitoring for 1 year from the start of construction is proposed to assess the effectiveness of the mitigation measures.

Third party submissions have raised concern in relation to compliance with the national **Climate** Action Plan and the absence of reference in the Statement of Consistency. The site is serviced by a high level of public transportation including Dublin Bus and a DART station, a bus stop is located along the front of the site at Kilcoole Road. Third party submissions reference the capacity issue on the N11 and the DART service and whilst this may need addressed at a national level, I note the National Strategic Outcome 4 of NDF with priority elements of DART expansion, the inclusion of the South East Line in the DART expansion programme and the

sequential location of the site within a settlement boundary in Dublin's Metropolitan Area. I consider the high end servicing of the Greystone's area and the micro management of the site including high energy building consistent to support the Climate Action Plan.

Having regard to national policy, the location of the site and those mitigation measures in the EIAR, I do not consider the proposed development will have any long term negative impacts on the Air or Climate.

11.9. **Noise and Vibration,**

Chapter 8 deals with the impact of noise and vibration on the site and the surrounding area. The **construction impact** assessment is based on the use of Noise Limit Criteria during different times of the day with the highest at 75d B(A),L_{Aeq,1hr} and 55 d B(A),L_{Aeq,1hr} during the night, Sundays and Public Holidays. In terms of operation impact assessment the EIAR concludes that noise levels over 60 d B(A),L_{Aeq,1hr} can be potentially intrusive however for the Dublin area, within he Noise Action Plan, the limit has been set at 70 d B(A),L_{Aeq,1hr} for the day and 55 d B(A),L_{Aeq,1hr} for the night. Lower levels are set by the World Health Organisation (WHO).

With regard to **vibration**, seven locations around the site where chosen for the assessment of baseline noise. The concrete/ steel cutting equipment can reach 82 d B(A),L_{Aeq,1hr}. The use pneumatic rock breaker is one of the mitigation measures listed to prevent any significant negative impact from ground borne vibrations. The nearest residential receptors are noted at c. 10m from proposed construction works. Mitigation measures relating to noise also include acoustic blanket screening around piling and excavations. Vibration monitoring will be conducted at properties within 50m and it is recommended that a full CMP include all those mitigation measures listed in 8.9 of the EIAR. Operational impacts will be limited to additional traffic movements which will be designed appropriately.

The impact on the surrounding area from both noise and vibration has been sufficiently addressed in the EIAR. The greatest impact on the receiving environment will be from the construction activities in particular vibration of any rock breaking which will be short term. As stated above, a CMP will be required to include those mitigation measures in the EIAR and having regard to the existing residential

properties in the vicinity I consider a restriction on the hours of construction reasonable and included within any grant of permission.

11.10. Landscape & Visual Impact,

Chapter 9 detail the landscape and visual impact and categorises the sensitivity of the landscape. The site is within a designated Urban Area Landscape and has already been deemed suitable for development. There are no significant views or prospects to be protected in the site although V2 from the centre of Greystones is directed south. The EIAR defines the sensitivity of the landscape as medium, having regard to the existing characteristics. Photomontages and visual assessment are provided from 19 representative viewpoints. The change to the landscape, in particular the Priory Road, is classified as significant due to the change although would be neutral once completed.

The visual impact of the new spine road has been raised by third party observations. The road radiates east to west from Kilcoole Road to Prior Lane and intersects the residential areas. The road will not be overly visible in comparison to the proposed properties.

The visual impact is mitigated by the location of higher apartment blocks (4 storeys) in the centre of the site, the lower finished floor levels of the dwellings along the south of the site adjoining Glenheron and the design set back and landscaping along Priory Lane. The magnitude of impact on the surrounding area will be mitigated by the design, layout, significant planting scheme and having regard to the site as a transition area adjoining a residential the impact will be short term.

11.11. Material Assets (Traffic and Transportation),

Chapter 10 deals with the topic of material assets with specific reference to Traffic and Transportation. As stated above a spine road is provided to comply with Policy R07 of the LAP and a pedestrian and cycle green route south into Eden Gate residential estate. The substantive assessment relating to the provision of and design of new roads is addressed below. The location of the site in Greystones with a DART station and a good quality Bus service is highlighted as positive attribute to the site. A bus stop to the front of the site along Kilcoole Road and a further 4 within a 300m radius supports the provision of public transport to the site.

A simple priority junction at Kilcoole will include an upgrade to the road and although not dependant on works outside the site, the EIAR acknowledged the works allow any future upgrade by WCC. Upgrade works require road realignment at a standards to comply with DMURS.

The second entrance along Priory Road, rural in nature, will be undertaken to coincide with the general upgrade to include a footpath along the western frontage of the site and three further individual accesses for clusters of dwellings. The development can be served from Kilcoole road and is not dependant on this second junction. It is stated in the Traffic & Transport Assessment (TTA) that the remaining section of the footpath to the south, along the Eden Gate estate, will be provided by WCC although is not required.

Two scenarios for the roads provision are included in the traffic assessment:

- Scenario 1- Only the eastern access in R761 Kilcoole Road is provided.
- Scenario 2- Both the accesses, on the R761 Kilcoole Road and on priory Road, are provided.

It was concluded that scenario 2, both access, allows for better distribution of traffic onto the surrounding road network. The phasing of the road will be integrated into the CMP and Priory Road access will only be used for light vehicles during construction. Third party observations have raised concern in relation to the inclusion of construction traffic along Priory Road, having regard to its restrictive nature.

Having regard to the rural nature of the Priory Road and the EIAR assertion that there will only light vehicles, I do not consider it a necessity for construction traffic to access the Priory Road (local road) rather than a regional road and consider a condition restricting same should be included as a condition. Therefore, having regard to the traffic flow, scale of proposal and mitigation measures proposed during construction I do not consider any significant negative direct or in-direct impacts on from the traffic or transportation proposals.

11.12. Material Assets (Waste Management & Utilities),

Chapter 11 -12 of the EIAR deals with the topic of waste management and utilities respectively. A Construction Phase Waste Management Plan, Construction Waste Disposal Management and on-site reuse and recycling management proposed will

enable compliance will all necessary waste permit. The net volume of cut/fill is 9,878.443m³ with as much as possible reused on site.

In addition to the water main and sewers in the vicinity of the site, there is also a medium pressure gas main along Kilcoole Road, a medium voltage ESB line overhead of the site and an existing telecoms duct along the eastern site boundary. Connections to those utilities is to be agreed with the relevant providers. The proposed development would not be likely to have a significant adverse effect on these material assets. The proposed development would substantially increase the housing stock of the town and the additional stock would be on zoned and serviced land, therefore the proposal would have a significant positive impact on the material assets available in the area. I consider that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

11.13. Archaeology, Architecture and Cultural Heritage

Chapter 13 addresses the impact Archaeology, Architecture and Cultural Heritage. Geophysical testing noted some remains within the site e.g. Kilin in Trench 45. The recording of any features of interest will be a positive impact. The submission from the Department of Culture, Heritage and the Gaeltacht had no objection to the proposal subject to archaeological monitoring, which I consider reasonable.

Glenbrook house, a Protected Structure, bounds the site to the northwest, adjoining Priory Road. The closest ACA is c. 450m to the northwest at Delgany Village. Upon site inspection it was evident that the position and location of Glenbrook House set away from the edge of the site. Open space facilities, significant landscaping and trees to be retained along the west adjoin the boundary with the protected structure and mitigate against any negative impact on the character and setting of Glenbrook House. I consider that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of built heritage.

11.14. The interactions between those factors,

Chapter 15 of the submitted EIAR deals with significant interactions and interrelationship between environmental factors and states that interactions between various disciplines have been taken into consideration in the preparation of the document with likely interactions between effects predicted as a result of the

proposed development during the preparation stage and ensured that appropriate mitigation measures are incorporated into the design process. A specific section on interactions has been included in each of the environmental topic chapters. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are summarised within Table 15.1 of the submitted EIAR and are as follows:

- Population and Human Health & Climate;
- Air Quality & Soils;
- Material Assets & Air Quality/ Biodiversity,
- Population and Human Health & Noise/ Visual/ Lands and Soils,
- Water & Biodiversity,
- Material Assets Waste & Water/ Biodiversity/ Human Beings/ Landscape/ Traffic,
- Air, Population and Human Health & Biodiversity,
- Air and Climate & Surface Water/ ground water/ Biodiversity,
- Noise & Population and Human health/ Biodiversity,
- Landscape & Population and Human Health/ Biodiversity
- Material Assets traffic & Population and Human Health,
- Land and Soils & Material Assets/ Water and Groundwater/ Waste Management,

I have considered the inter-relationships between the factors and whether these might as a whole affect the environment, even though effects may be acceptable when considered on an individual basis. Most inter-relationships are negligible in impact when the mitigation measures proposed are incorporated into the design, construction or operation of the proposed development.

In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development and suitable conditions. Adequate information has been submitted to allow these

interactions and cumulative impact of all proposals to be properly considered in the environmental impact assessment. I do not consider there are any significant environmental considerations which would prevent the proposed development and I consider those mitigation and monitoring measures summarised in Chapter 16.0 will ensure appropriate treatment of the site and surrounding environment during construction and the operation of the site.

11.15. Cumulative Impacts

The main cumulative impacts relate to the further upgrade of both the R761 Kilcoole Road and the Priory Road, which will be undertaken on a phased base and will be subject to the necessary environmental mitigation. In addition, each individual section includes an assessment of the cumulative impact which I have noted and I do not consider the residual cumulative impact is significant.

11.16. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the area,
- Biodiversity impacts, which will be mitigated by construction management measures, the significant provision of active and passive open space, protection of trees to be retained, landscaping, invasive species management, measures to avoid disturbance to bats, and provision of bat boxes.
- Land and soils impacts, which will be mitigated by appropriate excavation on the site, re-use of soil and sub-soil in the development, measures to control sediment in surface runoff, and construction management measures.
- Water impacts, which will be mitigated by the use of specialised construction management measures and the storage of waste fuels and the protection of the existing Three Trout's Stream along the north of the site and the servicing on the site.

- Impacts on air quality and climate during construction which will be mitigated by a dust management plan, air quality monitoring and the provision of highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts, which will be mitigated by the use of the landscape features, control of excavation, the design height of the dwellings, in particular the apartments central to the site and the landscape and tree/planting plans and monitoring,
- Traffic and transportation impacts, which will be mitigated by the phasing of the development , the delivery of a Spine Road and associated connectivity package of local road improvement measures,
- Built Heritage Impact, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.

11.17. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

12.0 Assessment of Other Issues

The main issues of the appeal not already dealt with in the above EIAR assessment are dealt with under the following headings:

- Principle of development
- Traffic, Access and Permeability
- Design and Layout
- Residential Amenity
- Part V

Principle of Development

- 12.1. The site is located in Greystones where Wicklow County Development Plan 2016-2022 (CDP) is the overarching policy documentation and specific objectives and policies are listed in the Greystones- Delgany and Kilcoole LAP 2013-2019. The subject site is zoned for both Residential, Active Open Space and Open Space in the LAP. A specific objective AP6 requires the site and surrounding area (24ha) to be developed for a mix of uses including residential and active open space. Section 10.1 of the LAP states that: *“The position, location and size of the land use zonings shown on Map A within the action plan areas are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria below.”*
- 12.2. The proposal as submitted does not mirror the land use zonings in the LAP and the area for active open space has been relocated north closer to the open space and replaced with residential. An Action Area Plan for AP6 lands, Farrenkelly, accompanied the application with a letter of consent from Wicklow CC confirming the approval of the Action Area Plan, as submitted, and an agreement that a planning application may be submitted for the lands which should also take cognisance of the CDP and LAP. The Action Area Plan included a 7 maps, including a zoning map, a phasing plan, including the road, and proposals for the active open space and greenway within the site. A letter of consent is submitted from the land owners in the remaining lands within the AP6 parcel confirming acceptance of the proposed action plan. I note the overall design and layout of the proposal is in compliance with those areas delineated in the agreed Action Area Plan.
- 12.3. The application is accompanied by an opinion from Senior Counsel which states that the Board may consider the development as it is not trammelled by section 9(6) of the 2016 Act, which precludes the granting of a SHD application where there is a material contravention of the land use zoning objectives.
- 12.4. The applicant has applied for a 10 year permission. I note the construction of a new spine road and significant provision of open space and ancillary facilities and I consider a period above the standard 5 year timescale is acceptable. I am cognisant of the spirit of the SHD legislation, including a priority to fast track housing provision

in appropriate locations, and I consider the inclusion of an 8 year permission is considered reasonable on any grant of permission.

- 12.5. Having regard to the objectives of AP6: Farranekelly Action Plan, the reconfiguration of the open space and agreement of those other land owners and the PA, I consider the principle of development, on this site acceptable, subject to other planning considerations, further detailed below.

Traffic, Access and Permeability

- 12.6. The Kilcoole Road (R761) is located to the east of the site and provides access into the site, Farranekelly House and commercial properties. Priory Road runs to the west of the site which is rural in nature and provides an agricultural access into the site and access to one-off rural dwellings along the road. The proposed development includes the provision of a spine road, in compliance with LAP Objective R07 from the Priory Road and Kilcoole Road. A breakdown of the separate elements of the roads proposal is included below.

Kilcoole Road Junction

- 12.7. The proposed entrance from Kilcoole Road, the primary access, to the south of the existing access, includes a footpath with an additional grassed area, set back to allow for future upgrades of the road by Wexford County Council. The Transport Section are not satisfied with the design of this access and note the sightline envelope encroaches onto third party lands. A refusal is recommend based on this and other issues raised below. The Chief Executive's Report highlights those points raised by the Transport Section and recommends a condition to address the final design of this junction. The Transport Section also notes that all the recommendations of the Road Safety Audit 1 where not integrated and a Stage 2 Audit is required.
- 12.8. I note the setback proposed along the Kilcoole Road (2.4m) and sightlines (45m) are in compliance with DMURS standards and the location of adjoining lands and I do not consider there is any significant encroachment on any third party lands. The TTA refers to compliance with national guidance for the junction and I note no reference in the submission by the Transport Section to any potential traffic hazards. This aside, I consider the applicant should be required to comply with the requirements of the Local Authority for the design of this access and having regard

to my assessment in relation to the Kilcoole Road, below, I consider this can reasonably include as a condition.

Kilcoole Road Upgrade

- 12.9. A footpath is proposed along the front of the site between the housing and the Kilcoole Road which includes a significant amount of grassed area. The proposal does not include any upgrade works outside the applicant's site or any footpath at the section where the Three Trout's Stream meets the R761. The location of uncontrolled road crossings and speed tables were discussed during the pre-application consultation as options for road crossings and further liaison with the planning authority was referenced. Two Toucan crossings are proposed, at the entrance of the main vehicular entrance and where the greenway meets the R761 at the Three Trout's River. Policy Objective RO12 of the LAP requires the upgrade of the R761 Three Trout's Bridge including the widening of the bridge and the development of a footpath. The provision of a footpath and cycle path along the western side of the R761 has not been proposed and although two pedestrian crossings will allow pedestrian crossings from the site to the east side of the R761, and an existing footpath, I do not consider the applicant has complied with the objectives of the LAP, nor is there sufficient proposals to promote any connectivity outside the site. The proposal, in particular the treatment along the Kilcoole Road, lacks details on the treatment of the grassed area directly adjoining the road, the integration of any cycle tracks along the road and the treatment of the footpath which adjoins the existing entrance into Farrenkelly Road.
- 12.10. The PA recommend a condition that the final design and location of the roadside boundary and pedestrian crossing is agreed, which I consider reasonable. The Transport Section require the provision of a footpath along the full length of the Kilcoole Road, outside the applicants ownership, I consider the appropriate mechanism for upgrade from the remainder of the Kilcoole Road is via the collection of Section 48 contributions.
- 12.11. Having regard to the design of the site and frontage onto the Kilcoole Road, I consider a condition should be included on any grant of permission requiring the provision if any upgrades necessary, which are within the applicants site boundaries, along the R761, the appropriate treatment of the site frontage along the R761 and

the inclusion of an additional toucan crossing where the footpath ends at Farrenkelly house.

Kilcoole Road- Priory Road

12.12. The spine road between Kilcoole Road and Priory Road complies with Objective R07 of the LAP. A significant number of the observations refer to the inclusion of access onto the Priory Road and the additional 3 no individual access for dwellings accessed directly onto the Priory Road. The submission from the National Transport Authority (NTA) raised concern the spine road would act as a through road for the private car and have a detrimental impact on the residential amenity of those properties along the connection. I note Objective R07 of the LAP and whilst the information in the TTA indicates that the proposed development is not reliant on access onto the Priory Road, it is considered good design practice and compliance with DMURS to support alternative forms of connectivity. In addition, as discussed below, it is recommended that a further vehicular connection into Eden Gate is included to support connectivity, promote greater permeability and remove any reliance on the spine road.

Priory Road

12.13. As stated above, the access onto Priory Road is raised in a significant number of observations. The submission from the PA and Transport Section have concerns in relation to the absence of a footpath connection from the entrance to Eden Gate roundabout, c. 300m south, outside the applicants control. Objective R011 of the LAP includes the upgrade of the Priory Road, including a footpath. I note the applicant has provided a footpath along the front of the site. In addition, the proposed pedestrian connections to Eden Gate will ensure alternative access to the neighbourhood facilities adjoining the Eden Gate roundabout. In the absence of any special development contribution scheme or proposal for the upgrade of this road, I do not consider it reasonable the applicant should be required to undertake works not within their control.

Connectivity to Eden Gate

12.14. The submitted Area Action Plan delineates the connection into Eden Gate as a “greenroute” for pedestrian and cyclists. The pre-application drawings included this link as integral to the overall scheme south into. The submitted design retained the

pedestrian and cycle connections although removed the vehicular access. A submission from the Transport Section of the PA require the provision of a link road. Section 3.3 of DMURS requires permeable street layouts in the design of new residential estates in order to promote connectivity. Strategic connections between destinations should filter down to the detailed design of the road hierarchy as outlined in Fig 3.9. Whilst I note connectivity for both pedestrian and cycle access is provided, cognisance should be given to the promotion of DMURS principles and the promotion of movement for all, including vehicular movements.

12.15. The submission from the NTA raised concern in relation to the use of the Spine Road as a separate thoroughfare and the impact this would have on the residential amenity of those residents facing onto the route. I consider the inclusion of vehicular access south through Eden Gate would dissipate the traffic travelling to neighbourhood centre within Eden Gate alleviating the necessity to use the Priory Road. In addition, it is evident from the layout of Eden Gate, the design of the road and provision of vehicular and pedestrian links up to the boundary of the subject site, that connectivity between the sites was always be facilitated. Discussions recorded during the Section 5 Pre-application meeting noted that Eden Gate road connection had not been taken in charge. A taking in charge map submitted with the application includes a proposed connection between the site and Eden Gate. Therefore, it is reasonable to expect that the entire connection be taken in charge at some stage in the future.

DMURS

12.16. The road hierarchy includes the spine road, local roads and 4 no. home zones at some of the cul-de-sacs. Appendix D of the TTA includes a statement of compliance with DMURS and includes compliance with the required gradients. The statement refers to the design of the roads for low speed traffic, therefore the necessity for cycle lanes removed. I note the meandering design of the spine road will connect to the wider network. The Transport Section raised concern in relation to the lack of detail for the street design and those local roads. Home zones are included in a limited capacity and can be expanded in areas where direct access to open space is not provided and where small cul-de-sac areas are integrated into the scheme. I consider this will ensure greater compliance with DMURS.

Car and Cycle Parking

12.17. 762 no. car parking spaces and 225 no. cycle parking spaces are provided. The submission from the PA includes a breakdown of the allocation of the spaces with a comparison of the spaces required in the CDP. I note 2 no. off street parking spaces are provide for each dwellings. A shortfall in spaces for visitor parking is noted (27 spaces), crèche spaces (14) residential amenity building (3) and coach parking. I note the allocation of spaces for the crèche may be deemed as dual use and the users of the residential amenity building are existing residents. I note the absence of any coach parking for the pitches and having regard to the size and public use I consider integration of space for 1 coach as a minimum should be provided. In relation to the cycle spaces the CDP does not contain specific requirements for crèche or active open space. The PA makes reference to the under provision of cycle spaces required in the national apartment guidance (284) which I consider should be complied with.

12.18. Having regard to the design and layout of the proposed development, the adjoining Eden Gate site and the principles of DMURS and Sustainable Urban Design, I consider a condition be included on any grant of permission requiring the provision of a vehicular access to the south of the site, coach parking for the public pitches and an increase in cycle parking for the apartments.

Design and Layout

12.19. The proposed development includes 426 no. residential units, 245 no. dwellings, 93 no. apartments and 88 no. duplex. The apartment and duplex units are central to the site adjoining the crèche. The application was advertised as a material contravention of the plan and Statement of Material Contravention refers to the density and apartment heights. The PA also note the absence of any bungalows and the phasing proposal as contraventions. I have addressed each of these separately below, in addition to the overall design and layout of the scheme.

Mix

12.20. The overall mix of unit types includes 36 no. 1 bed (8%), 97 no. 2 bed(23%), 196 no. 3 bed(46%), 93 no 4 bed (22%) and 4 no. 5 bed (1%). The PA reference to policies and objectives in the development plan and consider a greater number of 3 no. bed

single storey houses should be provided as an option for small accessible units. I note the large percentage of 3 no bed units provided (45%) and the range of ground floor apartments in the duplex units and 93 apartments and I consider the mix and typology complies with the requirements of the sustainable residential guidelines.

Density

12.21. The density of the overall development is c. 35ha. The R22, residential, zoning requires a maximum density of 22 units per hectare on these lands. The application has been advertised as a material contravention of the LAP and Objective RES 5 refers to 22ha as a maximum. Greystone is designated as a large growth town (Level 3) in the CDP and located within the Metropolitan area of Dublin. Section 5.11 of the sustainable residential guidance requires outer suburban sites to achieve densities of between 35-50 per hectare. The proposed density is at the minimum acceptable range for a suburban site although having regard to the active open space zoning on the site and requirement for the spine road, I consider it acceptable. A density of 22 units per ha would not comply with the national guidance or provide for an efficient use of lands within a defined settlement. Therefore, the terms of the section 28 guidelines on sustainable residential development and the required density for large towns would justify a grant of permission for the proposed development despite exceeding the prescribed 22ha in the LAP, in accordance with section 37(2) (b)(iii) of the planning act.

Apartments & Duplex

12.22. 93 no. apartments are located in 3 no. blocks in the centre of the site. The blocks are 4 no. storey (c.14.5m high) with basement and/or undercroft parking, accessed from block 2. With regard compliance with national apartment guidelines the following is noted:

- SPPR 1- not more than 50% are one bedroom.
- SPPR 3- the floor sizes are greater than standards in Appendix 1.
- SPPR 5- floor to ceiling heights are 2.7m.
- SPPR 6- Less than 12 apartments per core are provided.

12.23. Objective HD13 of the LAP places a restriction on the location of apartments within designated centres or within the vicinity of the train station. Adjoining residential

estates to the south of the site, Charlesland and Eden Gate, contain apartment blocks. SPPR 4 of the building height guidance requires a greater mix and typology of housing on suburban/ greenfield lands. Having regard to the 2018 guidelines on building height and pattern of development within existing residential areas in the vicinity of the site I consider a grant of permission justified for the proposed development despite the restriction of apartment location in the LAP, in accordance with section 37(2) (b)(iii) of the planning act.

Open Space Provision

- 12.24. Open Space (10.1ha) has been provided in compliance with the AP6 Action Area Plan and includes a greenway along the Three Trout's River (2.4ha), Active Open Space (4.5ha) at the north east with three pitches and associated parking and further communal areas adjoining the apartment and duplex units in the centre of the site.
- 12.25. Tree Protection Objective TO6 refers to a line of trees in the centre of the site along an existing agricultural field and to the south of the proposed active open space. The proposal includes the retention and enhancement of the existing native hedgerow. In relation to the greenway a submission from the Inland Fisheries Ireland (IFI) notes the lack of detail of the pedestrian crossing over the Three Trout's Bridge and requests this is agreed before development, which I consider reasonable.
- 12.26. The site slopes from south to north and level differences are noted on the site layout plan. Whilst I note the gradients may be minor for the landscaped area, I consider the pitches should be levelled to ensure sufficient compliance with national standards. Third party observations refer to compliance with FIFA standards and require the use of the pitches by all clubs. I note the taking in charge map includes the pitches and the subject of management will be a matter for the Local Authority.
- 12.27. Documentation submitted with the Pre-application information included a proposed changing facility, central to the active open space area. The proposed development does not include this facility. The submission from the PA raised concern in relation to absence of any indoor changing or administration associated with this active open space and refer to the CDP for policy in relation to same. I note the policies and objectives in Chapter 15 of the CDP and whilst there is no specific requirement for a building, I consider the inclusion of these associated facilities a requirement to support the land use objectives for AOS and the delivery of "active recreational open

space". I consider it reasonable to include the provision of this sports facility as a condition on any grant of permission.

12.28. The Landscape Report and Outline Specification includes a general overview of the design of the different open space areas throughout the development. Play facilities are provide in Open Space 2, Open Space 3, the Active Open Space and the crèche area. Conceptual designs for natural play areas are considered reasonable and further details should be agreed with the PA before development. The landscaping plan lacks detail for any proposed planting around the site, including location, type maturity etc. The plans and particulars also include sections and make reference to seating areas, buffer zones and walkway which have not been fully detailed and should be conditioned in any grant of permission.

12.29. A boundary treatment plan includes for 11 no treatments at different locations throughout the site, which I consider reasonable. I note a 1.2m high boundary to the south of the existing Farrenkelly site, supported with native planting. This has not been extended to the Kilcoole Road and should be conditioned in any grant of permission.

12.30. Having regard to the wide range of active and recreational open space, the design and location of dwellings, apartments and duplex units, I consider the design and layout of the proposed development is acceptable at this location.

Residential Amenity

12.31. The site is wrapped around Farrenkelly house and associated commercial buildings and bounds the rear of Eden Gate and Glenbrook Park residential estates. The site slopes steeply to the north of the site away from the rear of both adjoining estates and site section drawings illustrate the retention of site levels in line with the existing dwellings. In addition, those dwellings proposed to the rear of existing dwellings are two storey in height with no separation distance of less than 20m from first floor opposing windows.

12.32. The EIAR and my assessment associated with the same, includes a full analysis of the impact of the construction works on those existing residents and whilst there will be a certain level of disruption, the mitigation measures proposed and restriction on hours of operation will reduce any significant adverse impact. The provision of the

wide range of open space facilities will enhance the residential amenity of the proposed and existing residents in the vicinity.

12.33. Of particular note on the site layout is a landscaped buffer along the south of the site, adjoining no 25 Glenbrook Park which does not include any access for maintenance. Whilst I note this area may have been set aside to increase privacy for existing residents I have concerns it may lead to uncontrolled overgrowth or dumping issues. I would consider a condition requiring the buffer lands are subsumed into the adjoining sites and kept free from development would ensure residential amenity is protected.

Residential Amenity Building

12.34. A 2 storey split level residential amenity building of c. 325m² (3 no. car parking spaces and 12 no. bicycle spaces) is located in the centre of the site, adjoining the boundary of Farrenkelly House. The building will provide a multi-purpose facility including a gym and managed by the apartment management company. The development description refers to the temporary use of the residential amenity building as a marketing suite for a period of 3 years and a number of concerns are raised to state this is excessive. Section 4.6 of the apartment guidelines refers to the provision of communal facilities for apartment developments where they should be linked to the management company. I note the location of the building separate from the apartment blocks and whilst I have no concerns relating the temporary use as a marketing suite, I consider the management of the building should be closely linked to the apartment development to ensure the retention of amenities and prevent any future neglect.

Crèche

12.35. The crèche is located central to the site and included in Phase 2 of the development. The applicants Submission of Response provided justification for the delivery of the crèche in the second phase, having regard to the existing provision of Glenheron crèche (16/1412) in Eden Gate (c.98 spaces), the fact that 31% of the units are 1 no. and 2 bed. A number of observations refer to the lack of available childcare spaces in the vicinity and request the inclusion of the crèche within Phase 1 of the development. 173 no. dwellings are provided in Phase 1 of which the majority are 3, 4 and 5 no bedroom dwellings. Therefore, having regard to the quantum of dwellings

provided in Phase 1 and the location of crèche I consider it appropriate that the crèche should be included in Phase 1.

Phasing

12.36. Three phases of development are proposed, Phase 1 includes a number of dwellings and open space, Phase 2 includes the remaining dwellings, apartments and crèche building. As stated above, I consider the inclusion of the crèche within Phase 1 essential for the delivery of a required amenity. The LAP requires no more than 50% of houses to be delivered prior to the provision of active open space. The submission from the PA notes the phasing plan and recommends a condition to ensure the delivery of the development in line with the submission. I note the inclusion of the open space and the spine road within Phase 1 which I consider reasonably addresses the requirement for phasing in the LAP and the supporting AP6 Area Action Plan.

12.37. Having regard to the overall design and layout of the dwellings, in particular the two storey dwellings along the south of the site, the separation distance and orientation, the provision of residential amenity facilities, open space and landscaping and considering the information contained in the EAIR and mitigation measures, I do not consider the proposed development would have a significant negative impact on the residential amenity of those residents in the vicinity of the site or future occupation of the residential units.

Part V

12.38. An Accommodation Schedule for Part V accompanied the application and includes a breakdown of the allocation proposed for Part V compliance, the transfer of 42 no units and those house types and numbers to be allocated. The submission from the Housing & Corporate Estate Section of the Local Authority refers to the quantum as acceptable but considers some of the units are too large and should not have en-suites. The collaboration with a housing association is noted.

12.39. A third party observation has raised concern the Part V was not available on display. As stated above, the schedule of accommodation clearly lists the units to be allocated for Part V and whilst I note these have not been illustrated they can be clearly identified from the submitted site layout maps and allow for an assessment of compliance with the required 10%. With regard to the size and internal configuration

of the units to be made available, I consider this is a matter of detail which can be dealt with consequent to any grant of permission between the Local Authority and other Housing Body, as a condition on any grant of permission.

13.0 Recommendation and Conclusion

13.1. Having regard to the sites location within the settlement boundary of Greystones/ Delagny part of the Dublin Metropolitan Areas , the location on lands zoned R22, AOS and OS, and those policies and objectives contained in the Wicklow County Development Plan 2016-2022; the Greystones/ Delgany and Kilcoole Local Area Plan 2013-2019 and the zoning in the supporting Farrenkelly Action Plan for AP6, the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual amenities of the area, cause any pedestrian and traffic hazard or have a negative impact on the character or setting of any or protected structures.

I recommend that planning permission should be **granted**, subject to conditions, as set out below.

14.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th of September 2019 by Cairn Homes Properties Ltd.

Proposed Development:

The development will consist of the construction of a residential development of 426 no. dwellings, a crèche (c. 599m²), residential amenity building (c. 325m²), active open space of c. 4.5 hectares, greenway of c. 2.4 hectares and open space as follows:

- a) 245 no. houses comprising; 148 no. 3 bedroom houses, 93 no. 4 bedroom houses, and 4 no. 5 bedroom houses (houses are provided with two car

parking spaces and solar panels – House Type E 3 storey to front – 2 storey to rear; House Types G1,G2,G3, and H dormer House Types, all other house types 2 storey);

- b) 93 no. apartments with balconies in 3 no. 4 storey apartment buildings (Blocks 1 and 2 over part basement/podium – (Block 2, 4 storeys over podium on eastern elevation) comprising 36 no. 1 bedroom apartments, 53 no. 2 bedroom apartments and 4 no. 3 bedroom apartments;
- c) 44 no. 2 bedroom duplex apartments and 44 no. 3 bedroom duplex apartments in 11 no. 3 storey duplex buildings;
- d) Provision of a 2 storey split level residential amenity building of c. 325 sq. m (3 no. car parking spaces and 12 no. bicycle spaces). Temporary use of the residential amenity building as a marketing suite for a period of 3 years;
- e) Provision of a 2 storey crèche of c. 599 m² (10 no. car parking & 12 no. cycle spaces), 1 no. ESB substation (beside crèche) and ESB kiosks, associated single storey bicycle storage and refuse storage buildings;
- f) Active Open Space of c. 4.5 hectares comprising: 1 no. playing pitch, 1 no. multi-purpose pitch, tennis courts children's play area, trim trail and parking (30 car parking spaces & 20 no. bicycle spaces),
- g) Approximately 4.2 hectares of open space comprising; a greenway (and associated paths, stream crossing and lighting) along the northern boundary at "*Three Trout's*" stream (c. 2.4 hectares); c. 1.8 hectares of open space within the development (including playground areas); all ancillary landscape works with public lighting, planting and boundary treatments including regrading/re-profiling of site where required as well as provision of cycle paths;
- h) Access to the subject site will be from a priority junction, located on the Kilcoole Road (R761). The proposal includes for vehicular/pedestrian access from Priory Road. Provision for cyclist and pedestrian access to be provided to boundary of Eden Gate development located to the south (3 no. independent vehicular access points from Priory Road to serve 9 no. dwellings), 762 no. car parking spaces and 235 no. cycle spaces;
- i) Surface water and underground attenuation systems as well as all ancillary site development works (reprofiling of site as required) as well as to drainage

services (including underground pumping station), all on a site of c. 21.2 hectares;

- j) Temporary marketing signage for a period of 3 years (located beside the Priory Road and Kilcoole Road);
- k) All associated site development and landscape works.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

14.1. Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the policies and objectives in the Wicklow County Development Plan 2016-2022,
- b) the policies and objectives in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019;
- c) the policies and objectives in the AP6- Farrenkelly Action Plan;
- d) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) Design Manual for Urban Roads and Streets (DMURS);
- f) Guidelines for Planning Authorities on Urban Development and Building Heights;
- g) Design Standards for New Apartments- Guidelines for Planning Authorities;
- h) The Planning System and Flood Risk Management;
- i) Architectural Heritage Protection, Guidelines for Planning Authorities;

- j) the impact on any Protected Structure in the vicinity;
- k) the nature, scale and design of the proposed development;
- l) the availability in the area of a wide range of social and transport infrastructure;
- m) the pattern of existing and permitted development in the area,
- n) the submissions and observations received,
- o) the report of the Inspector.

14.2. **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

14.3. **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) The submissions from the planning authorities, the observers and prescribed bodies in the course of the application,
- (e) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the EIA, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The main significant effects, both positive and negative are:

- A positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the area,
- Biodiversity impacts, which will be mitigated by construction management measures, the significant provision of active and passive open space, protection of trees to be retained, landscaping, invasive species management, measures to avoid disturbance to bats, and provision of bat boxes.

- Land and soils impacts, which will be mitigated by appropriate excavation on the site, re-use of soil and sub-soil in the development, measures to control sediment in surface runoff, and construction management measures.
- Water impacts, which will be mitigated by the use of specialised construction management measures and the storage of waste fuels and the protection of the existing Three Trout's Stream along the north of the site and the servicing on the site.
- Impacts on air quality and climate during construction which will be mitigated by a dust management plan, air quality monitoring and the provision of highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts, which will be mitigated by the use of the landscape features, control of excavation, the design height of the dwellings, in particular the apartments central to the site and the landscape and tree/planting plans and monitoring,
- Traffic and transportation impacts, which will be mitigated by the phasing of the development , the delivery of a Spine Road and associated connectivity package of local road improvement measures,
- Built Heritage Impact, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.

14.4. **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not detract from the character or setting of the adjacent Protected Structure and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The period during which the development hereby permitted may be carried out shall be 8 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

3. The proposed development shall be amended as follows:
 - (i) A new sport facility, including indoor changing and administration, commensurate with the active open space facilities shall be provided for adjacent to the active open space. Details of the operation, opening hours and management shall be agreed with the
 - (ii) The landscaping buffer along the south east of the site, adjoining Glenbrook Estate Park shall be integrated into the sites adjoining (B-No. 36, G2-No.18, G2- No.17 & E No.1).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 16 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Prior to commencement of development the applicant shall submit an Invasive Species Action Plan and/or confirm in writing the successful eradication of any invasive species on the site.

Prior to commencement of development the applicant shall submit a public lighting scheme which includes the recommendations of the Bat Assessment and the removal of lighting along the greenway.

Prior to commencement of development the applicant shall submit for the written agreement of the planning authority full details of the use of a cut-off wall and appointment of a specialist dewatering contractor during construction activities.

Reason: In the interest of protecting the environment and in the interest of public health.

5. (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
- (i) Full details of vehicular, pedestrian and cycle connectivity from the proposed developed through Eden Gate connecting in full to the existing road and pathways.
 - (ii) Final design and location of the roadside boundary along the R761, Kilcoole Road, to include all necessary upgrades for the vehicular access, footpath and pedestrian crossings.
 - (iii) Full details of an additional Toucan crossing , connecting to the footpath to the south of the Farrenkelly House entrance.

- (iv) Full details of a segregated cycle path along the R761, within the site boundary.
 - (v) Full details of coach parking beside the active open space carpark to accommodate 1 no coach at a minimum.
 - (vi) Full details of the pedestrian crossing over the Three Trout's River,
 - (vii) A Quality Audit of all final works (including Stage 2 Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards.
 - (viii) Full details and compliance of homezone areas in Local Streets 1, 2, 3 & 14.
 - (ix) Full details of cycle parking facilities in the apartments to comply with the standards in the apartment guidelines (465 no. spaces) with provisions for direct and unobstructed access to all cycle parking spaces.
 - (x) Full details of the boundary treatment 11 including the extension of boundary type along the south of Farrenkelly House to meet the R761.
 - (xi) The Kilcoole Road junction shall be used for construction traffic only.
- (b) Within 6 months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.
- (c) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately, or let, to avoid non-take-up by residents. Prior to the commencement of development, the applicant shall submit a layout plan for the written agreement of the planning authority showing which parking spaces are allocated to individual numbered units and to visitor parking.
- (d) One car parking space per ten residential units shall have a functional electric vehicle charging point.

- (e) Clearly designated spaces for car share use shall be provided.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

6. (a) The development shall be carried out on a phased basis detailed in the application, and shall include the inclusion of the crèche building in Phase 1 and those associated works which accompany same. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

7. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with,

the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than [1:500] showing –
 - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal
 - (ii) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the all boundary
 - (iii) the establishment of predominantly native and naturalised woodland on areas incorporating species, variety, size, type, number and location of all trees and shrubs
 - (iv) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment in line with the specification submitted to the An Bord Pleanála on the 20th day of September, 2019.
- (c) Specifications for sports pitches and play areas shall be submitted and comply with the national standards.
- (d) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established
- (e) A timescale for implementation [including details of phasing], which shall provide for the planting to be completed before the dwelling/building is first made available for occupation
- (f) Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or griselinia. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season

with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (g) The work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity and to ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

- 9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

The plan shall include details for the appropriate disposal of the invasive species which has been treated within the site and the prevention of any increase in vermin on the site or in the vicinity of the site, during construction.

Reason: In the interest of sustainable waste management.

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

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

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a properly constituted Owners’ Management Company.

The Management Company shall relate only to the apartment blocks and/or duplex units and the associated residential amenity building and open space/amenity spaces.

This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Karen Hamilton
Planning Inspector

17th of December 2019

Appendix 1- List of Observers (Prescribed bodies/ 4)

1. Aileen Considine
2. Derek Mitchell
3. Eden Gate Management Company
4. Greystones Cricket
5. Greystones United AFC
6. James & Panel Echlin
7. Jenifer Whitmore
8. Joan Murphy
9. Lourda Scott
10. Mags Crean
11. Matthew & Sinead Lovatt
12. Maureen Montgomery
13. Sandra Jeffers
14. Vivienne & Tom Jeffers.