



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-305570-19

Strategic Housing Development	132 no. residential units
Location	Ballinahinch, Ashford, Co. Wicklow
Planning Authority	Wicklow County Council
Prospective Applicant	Ardston Homes Limited
Date of Consultation Meeting	15 th November 2019
Date of Site Inspection	8 th November 2019
Inspector	Ronan O'Connor

1.0 Introduction

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

2.0 Site Location and Description

The site in question has a gross area of 4.9ha and is located at the edge of the existing built up area of Ashford town. The site is currently greenfield lands. It also includes an area extending southwards along the western side of the R764 in order facilitate a new pedestrian link into Ashford Town Centre.

The western portion of the site slopes steeply down to the R764 and a stream which forms the western boundary of the site. Beyond the R764 to the west lies Ballinahinch Woods, a residential development comprising some 169 no. units and a crèche facility which is nearing completion.

The northern and north eastern portions of the subject site are adjoined by agricultural land, whilst the eastern and southern portions of the site are bound by the existing built up area of Ashford town. Residential uses are located immediately to the south, while institutional uses in the form of the Church of the Most Holy Rosary and Scoil na Coróine Mhuire are located to the south-east of the site.

3.0 Proposed Strategic Housing Development

The proposal comprises a housing development of 132 no. residential units, landscaped open spaces, internal paths and roadways, and a new pedestrian connection on the western side of the R764 extending between the subject development and the town centre.

The following details are noted:

Parameters	Site Proposal
SHD Site	4.9 Ha (Gross)/4.3Ha (Net)
No. of Residential Units	132 Units (116 Houses/16 Duplexes) 18 x 2 bed, 67 x 3 bed, 47 x 4 bed
Public Open Space	5502 sq. m (13% net) 11558 sq. m. (23% gross – includes steeply sloped lands)
Car Parking	165
Bike Parking	120
Density (Net)	31 units/ha

The breakdown of the accommodation is as follows:

Houses (115 in total)	Apartments/Duplexes (16 in total)
10 x 2 bed	8 x 2 bed
58 x 3 bed	8 x 3 bed
47 x 4 bed	

4.0 Planning History

Pre-Application Site

None.

Surrounding Area

Ballinahinch, Ashford (Lands to the west of the site -Ballinahinch Wood)

ABP Ref 303899-19/PA Ref 1843 –Amendments to permission granted under PL27.246799 comprising amendments to creche, revised internal plant room and external bin store, signage. Permission to omit condition 6 of permission granted under PL 27.246799

ABP Ref PL27.246799/PA Ref 15/524 – Grant – 169 Houses

5.0 National and Local Policy

5.1. National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets (2019).
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management’ (including the associated

'Technical Appendices') (2009).

- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

Other relevant national guidelines include:

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

5.3. Wicklow County Development Plan 2016-2022

- Ashford is a Level 5 small growth town.
- Housing Policies are set out in Chapter 4 - Relevant policies include HD 1, HD 2, HD 3, HD 15.
- Section 4.3.2 sets out requirements for the development of greenfield lands for housing.
- Chapter 9 relates to Roads and Water Infrastructure.
- Chapter 10 relates to Landscape and Amenity as well as Built Heritage.
- Appendix 1 sets out Development Standards.

Ashford Town Plan

The Ashford Town Plan designates the subject site with an R20 (Residential) land use zoning. The objective of such a zoning designation, as outlined in the Wicklow County Development Plan 2016-2022, is “to protect, provide and improve residential amenities at a density up to 20 units/ha”. The following description is also provided in relation to the R20 land use zoning objective:

“To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities”

The Ashford Town Plan outlines a number of objectives for the future growth of the town. The Overall Vision for the Town includes the following relevant objectives:

- To ensure a high quality living environment for existing and future residents.

- Create increased connectivity between a revitalised town core and the existing and proposed residential areas within the town.
- Protect the built and natural heritage of the area.

The subject site forms part of a Specific Local Objective area (SLO2) and includes the following objectives:

- Development of these lands shall include straightening/widening works along the R764.
- No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

The residential zoning provision (as set out in Table 1.1) for “Lands west of Ashford NS at Ballinahinch SLO2” notes that 102 no. units may potentially be delivered on the subject site.

5.4. Nature Heritage Designations

The nearest designated site is Devil’s Glen pNHA which is located 2.3km to the west of the site. The nearest Natura 2000 sites are The Murrough Wetlands SAC (Site Code 002249) and The Murrough SPA (Site Code 004186), which are located to the east of the site at a distance of 2.9km and 3.1km, respectively.

6.0 Section 247 Consultation(s) with Planning Authority

The Local Authority submitted there was one 247 meeting held on the 25th June 2019 between the applicant and the planning authority, in relation to a proposed scheme of 129 no. units, and minutes of same are included with the Planning Authority submission. The issues raised were as follows:

- Provisions of Local Area Plan/SLO2
- Land ownership issues
- Provision of community infrastructure
- Density

- Scale/Height
- Mix of Units
- Design and Appearance of Dwellings
- Vehicular & Pedestrian Accesses including future access to adjoining sites
- Road Design/Standards/Taking in Charge
- Relevant objectives of the Local Area Plan as relates to future road provision.
- Open space/Trees
- Childcare
- Part V
- Site Services
- Appropriate Assessment

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Cover Letter and SHD Application Form for Section 5 Consultation including Brief Summary of Environmental Effects (Appendix A), Part V Details (Appendix B), Copy of s247 meeting minutes (Appendix C), Irish Water Confirmation of Feasibility (Appendix D), IFI Correspondence (Appendix E), Letters of Consent (Appendix F).
- Statement of Consistency
- Material Contravention Statement
- EIA Screening Report
- Applicant's Response to S.247 Advices
- Screening Report for Appropriate Assessment
- Ecological Impact Statement
- Bat Assessment
- Arboricultural Assessment

- Schools Demand Assessment
- Landscape Report
- Archaeological Assessment
- Urban Design Statement
- Photomontages
- Drawing Booklet (Architectural)
- Drawing Booklet (Engineering)

Statement of Consistency

The applicant's case is set out in in general terms within the Statement of Consistency and can be summarised as follows:

Ashford Town Plan 2016-2022

Applicants state that their proposal is **LARGELY CONSISTENT** with the Policies and Objectives of Town Plan for the following reasons:

- A new residential development within c.500m of the town centre is proposed.
- New footpath connection.
- Provision is made for future linkages to adjoining lands to the east and north.
- Mature hedgerows and trees are retained.
- Will enhance the vitality and vibrancy of the town and the businesses within Ashford.
- Provides significant public open space areas.

The applicants also state that the proposal is **NOT CONSISTENT** with the following two objectives of the Town Plan:

- Specific Local Objective Area (SLO 2: Inchanappa South) - No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.
- The residential zoning provision for "Lands west of Ashford NS at Ballinahinch SLO2" notes a potential no. of units on the subject site of 102 no. units -

equates to 24 units/ha when applied to the net site area. The proposed development seeks to deliver 132 no. units at a net density of 31 units/ha.

A Material Contravention Statement accompanies this pre-application request which provides further elaboration on the basis for the scheme's proposed non-compliance with these two objectives. This is summarised below.

Material Contravention Statement

This Statement provides a justification for the Material Contravention of 2 no. provisions of the Ashford Town Plan 2016 – 2022. It is summarised as follows:

Specific Local Objective Area (SLO 2: Inchanappa South

- The site and the adjoining land parcel to the north-east is subject to the provisions of Specific Local Objective Area (SLO 2: Inchanappa South) which requires that “no more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational use.”
- Proposal seeks to develop the entirety of the subject site for residential purposes.
- Provisions of SLO2 would effectively serve to sterilise 50% of the subject site indefinitely, pending the development of Community and Education uses on the adjoining CE zoned lands.
- These adjoining lands are in separate private ownership and as such, their development is outside of the control of the applicant.
- Applicant has met with the owner of these adjoining lands, who has confirmed that they have no immediate plans to bring the lands forward for development.
- There can be no certainty whatsoever as to when the CE zoned lands will be developed/the restricted development of the residentially zoned lands is unreasonable/ significant demand for housing across the Greater Dublin Area/recent national policy emphasis for delivery of housing.
- Demand for housing and the suitability of the subject site to accommodate residential development was explicitly acknowledged by Wicklow County Council during the S. 247 pre-planning meeting.

- Objective is entirely unenforceable when the Applicant has no control over the CE zoned lands and cannot guarantee their development for community and / or educational uses.
- Adjoining CE zoned lands have already been “devoted” for community and educational uses by way of the land use zoning objective which has been applied under the LAP/development of these lands will occur in the normal manner when a demand for such uses at this location has been identified.

Section 1.3 and Table 1.1 of the LAP

- Section 1.3 of the Town Plan considers residential development over the period of the Plan, wherein Table 1.1 identifies that the “lands west of Ashford NS at Ballinahinch” within SLO 2 (i.e. the subject site) have the potential to accommodate 102 no. units.
- When applied to the net developable area of the subject site (c. 4.3 ha), this would result in a net residential density of c. 24 units/ha (20 units/ha gross).
- The current application seeks to deliver a residential scheme of 132 no. units on the site, which equates to a net residential density of c.31 units/ha.
- Residential density which is proposed on the site exceeds that identified in the Town Plan.
- In relation to housing need, it is noted that considered that a significant shortfall exists in the delivery of housing units in Ashford in meeting the housing targets outlined in the Town Plan and County Housing Strategy.
- Applicant has a proven track record in the speedy delivery of housing units, as evidenced by the ongoing development and occupation of the adjoining 169 no. unit residential scheme at Ballinahinch Wood, in addition to a number of other residential schemes across the Greater Dublin Area.
- Other objectives in the Wicklow County Development Plan support higher densities i.e. Section 4.3.4, Section 1.1 of the LAP,
- Prevailing national planning policy provides sufficient justification for the proposed residential density of c. 31 unit/ha in this instance i.e. the National Planning Framework, Eastern & Midland Regional Assembly Draft Regional

Spatial & Economic Strategy (2019) Sustainable Residential Development Guidelines for Planning Authorities.

- Ample justification for An Bord Pleanála to permit a material contravention of the Ashford Town Plan 2016-2022 having regard to Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

Wicklow County Development Plan 2016-2022

- Meets the County's projected housing needs for a 'Small Growth Town'.
- The proposed development is zoned for residential use, is adjacent to existing built up areas and is located within the boundaries of Ashford Town where services and public transport connections are provided.
- The subject proposal is of high quality design and will create a sustainable living environment for new residents whilst respecting and integrating with the existing environment
- Proposal will maximise value from existing infrastructure (e.g. water services infrastructure) whilst also providing footpath upgrades to the R764.
- Provides some 1.15 hectares (24%) of landscaped open space, which is significantly in excess of the Council requirement to provide a minimum of 15% open space.
- Access to the proposed development will be provided from the R764.
- The proposal includes a new footpath on the R764 extending between the subject site and the junction with the R763 to the south providing enhanced connections to Ashford Town Centre.
- Sustainable transport modes will be encouraged by providing sheltered and secure cycle facilities, pedestrian upgrades along the R764 and pedestrian paths throughout the proposed open spaces.
- The proposed development will secure connectivity with lands to the east and north by designing future linkage points with these adjoining 3rd party lands.
- The provision of car parking spaces is in accordance with the quantum specified in the County Development Plan.

- The proposal incorporates SUDs principles
- Existing tree and hedgerow belts at site boundaries and through the centre of the site are protected and retained and supplemented with additional planting
- The proposed realignment of the existing hedgerow and entrance at the front of the property will not directly impact on Dawn Cottage (A Protected Structure)
- The proposal accords with Development and Design Standards including plot ratio, accessibility, permeability, legibility, privacy/separation distances, layout, building design, SuDS, Open Space, car and cycle parking.

National Planning Framework

- The proposed development will provide 132 no. new homes at a strategically located, zoned site in accordance with National Policy Objective 33.
- The subject site is a natural extension of Ashford
- Design and Layout of the proposal will facilitate a segregated, safe pedestrian connection with the town

Regional Spatial and Economic Strategies – Eastern and Midlands Regional Assembly (2019)

- The development aligns with the Strategy's objective to consolidate urban areas and promote residential development close to existing services.

Sustainable Urban Housing: Design Standards for New Apartments 2018

- Consistent with standards outlined in the guidelines.

Design Manual for Urban Roads and Streets (2013) (DMURS)

- The subject proposal is fully consistent with DMURS
- Achieves a sense of place and residential amenity whilst also facilitating efficient and secure internal movement.

The Planning System and Flood Risk Management (2009)

- The SSFRA concludes that the proposed development is located in Flood Zone C and that all finished floor levels and all finished road levels are above

the relevant estimated 1 in 1000 year return period fluvial flood event (extreme event). Therefore, there is no flood risk arising on foot of the proposed development.

Sustainable Residential Development in Urban Areas (2009) and Urban Design Manual: A Best Practice Guide (2009)

- Consistent with guidelines in terms of accessibility, layout, road design, design features, high quality landscaping, public open space and use of natural features.
- Consistent with the 12 criteria within the Urban Design Manual.

Childcare Facilities – Guidelines for Planning Authorities (2001)

- A permitted childcare facility is located in the residential development to the west of the subject site. This facility has capacity for 97 no. childcare spaces. As such, this crèche provides the necessary capacity to deal with both the demand for the Ballinahinch Woods development and from the proposed development.

8.0 Planning Authority Submission

A response was received from the planning authority which is summarised as follows:

Principle/Nature of Development

- Acceptable in principle
- Will assist in achieving housing targets
- Proposal would materially contravene Objective SLO2 – 100% of residential lands being developed without the provision of community infrastructure
- Piecemeal and unsustainable development.
- Further information is required in relation to the social/community needs of Ashford – to accommodate phase 1 and phase 2 of the proposed development.
- No evidence of consultation with the school or Department of Education.
- Need for an indoor community space, playing pitches and facilities for athletics club (As per CC&D Report)

- Proposed density of 31 units/ha is a material contravention of the plan – zoned for a density of 20 units/ha – is in accordance with the density for small towns and villages as set out in the Sustainable Residential Development in Urban Areas.
- Scheme is in line with settlement hierarchy, core strategy housing targets.
- Apartments not acceptable having regard to HD13 of the Development Plan – apartments only permitted within 10 minutes walking distance of a train/light rail station.

Transport

- Need for good pedestrian links to the town centre/clarification is required as to whether a footpath is being provided along the eastern side of the R764/proposed footpath on the western side is welcomed.
- Additional information is required to demonstrate that the scheme accommodates the required upgrades and footpath, as per SLO2 objective.
- Need to make provision for possible future pedestrian link into the school grounds and surrounding lands/should be in the appropriate location.
- Vehicular connection to the north is not considered necessary.
- Shared surfaces home zones to be designed to the relevant standards
- Not clear a road is required between units 84 and 85.

Trees/Ecology

- Objective of the plan to protect trees/scheme should ensure that no works should undermine trees to be retained.
- Trees of high amenity is to be removed/unsure why this is the case/large category B and C trees towards centre of the site are being removed/consideration should be given to their retention.

Design/Visual Impact

- Development should be of a distinct character.
- Visual impact of duplexes is acceptable.

- Variety of dwellings provided is acceptable.

Conservation/Protected Structures

- Detail drawings in relation to the proposed boundary changes to the Protected Structure (Dawn Cottage) are required – An Architectural Heritage Impact report is required/PA advise a native hedge should be provided at Dawn Cottage.

Residential Standards

- Should ensure that an appropriate mix is provided- including smaller units 1 & 2 beds – reference should be made to the mix of the approved scheme to the west.
- Applicant should make clear that units comply with 2018 Apartment Guidelines.
- Development Plan standards require 15% open space/13% of the net area is open space/this excludes the steeply sloped areas – including this the figure is 23%
- Should ensure a satisfactory amount of grassed areas are provided for informal ball play.

Other

- Childcare needs can be accommodated by the already permitted crèche.
- Council would prefer a higher number of 2 bed units as Part V provision
- Revised boundary to properties along the R764 to be provided/PA advise a wall of 1.5m high would be acceptable.
- Proposal shall address any potential flood risk from the Killiskey Stream.

8.1. Interdepartmental Reports

Community, Cultural and Social Development

Community needs in Ashford include:

- Indoor community space for use by community groups.
- Soccer and GAA clubs playing pitches.
- Running Track

Transportation, Water & Emergency Services

- Details of footpaths/shared surfaces required.
- Footpath between units 20 and 21 appears to be outside redline boundary.
- Small isolated gaps in pedestrian facilities.
- Footpath to connect to the employment lands to the north running parallel to the R764.
- Query the number of cycle parking spaces/cycle storage.
- Stage 2 Road Safety Audit should be submitted with the application.
- Stage 3 carried out in the event of a grant of permission.
- Public lighting to be provided in accordance with Council guidelines.
- Construction Management Plan to be provided.
- Taking in charge of parking spaces.

Environment

- Site is not at risk of flooding according to CFRAMS
- Proposed SuDS methods meet the requirements/Infiltration testing would have to be carried out on site.
- Use of petrol interceptor would have to be required prior to discharging to the existing culvert
- Flow control to QBar will be required.
- Some minor flooding downstream of the culvert has been recorded due to blockages in the culvert.
- Important that stream remains as an open channel as per the existing arrangement.

Housing & Corporate Estate

- 13 units is acceptable to address the Part V requirement
- The Council's preference is for houses.

- Would prefer a higher proportion of 2 bed units as evidenced by the need in the Ashford Area.

9.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of Cork City Council on the 15th Day of November 2019, commencing at 14:15pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Zoning
2. Design/Layout/Mix (density/compliance with Urban Design Manual/DMURS/open space provision/mix of units)
3. Transport (including cycle and pedestrian links/permeability/car parking provision/proposed infrastructure upgrades)
4. Site Services (Water supply/Surface Water/Foul/Required upgrades)
5. Trees/Ecology/Appropriate Assessment
6. Childcare Provision
7. Any other matters

In relation to *zoning*, An Bord Pleanála (ABP) representatives sought further elaboration/discussion/consideration on the following:

- ABP sought clarification in relation to Section 1.3 of the LAP (which stated number of units to be accommodated on site) and in relation to the SLO2 objective for the site and its impact on the development proposals. The applicant was asked for justification for non-compliance with same. ABP sought from the Planning Authority (PA) the reasoning behind the original zoning of the lands.
- The PA acknowledged the lands are in separate ownership but were of the opinion that land owners should work together to provide quality community open space and facilities. The PA further noted that the existing school appears close to capacity. It was further stated that the need for another school in the area wasn't previously identified, now due to housing development there may be

demand. It was advised that the applicant consults with the Department of Education in relation to the need for a new school.

- The prospective applicants stated that they don't own or have control over the adjoining community land. The applicant cited concerns regarding pressure being placed on the applicant to provide facilities for the surrounding area/town. The applicant stated he was not opposed to providing community facilities and raised the possibility of discussing increased contributions to pay for community facilities in the future. It was noted that the applicant have met with the local school. The applicant further noted that an audit has been done on provision of schools in the area and no shortage of spaces was identified. It was also noted that they have consulted with the Department but do not have any letters confirming this. The applicants have spoken with the land owner who has no plans to develop the lands in the immediate future.
- ABP stated that a social infrastructure audit to be carried out in advance of any application being made and that details of contributions should be discussed with the planning authority and detailed at application stage.
- The applicant noted that the application will be advertised as a material contravention at application stage. In relation to 48 contributions the applicants are willing to discuss with the planning authority different methods/special levy contributions.
- The PA noted that they were unsure about contribution but will have further discussions with the applicants.

In relation to Design/Layout/Mix, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought clarification of the calculation of net site area/density. Noted the need to clarify by way of a drawing which areas have/have not been included.
- ABP queried the frequency of public transport services serving Ashford (The No. 133 Bus).
- ABP sought clarification on the nature of the open spaces proposed. ABP noted that some spaces were compromised by the provision of road linkages that may

not be necessary. ABP also noted that the open space to south-east was entirely surrounded by roads/concern in relation to safety.

- ABP sought clarification on the nature of the duplex units/entrances to same/Justification for palette of materials used.
- ABP noted that there was 13% open space proposed – slight shortfall in the 15% required. Also acknowledged the steeply sloped area, which was not included in the calculation, had some visual amenity value.
- The PA sought to encourage pedestrian links and permeability through the site and stated that they were willing to engage in conversations with the applicant regarding shared services and other technical issues.
- The applicant stated that all net site area/net density calculations will be accounted for at application stage. In relation to public transport, the applicant stated that there was one. No. 133 bus per hour. It was noted that a lot of the occupants of the recently constructed estate were working and living in Wicklow (about 76%)
- The applicants stated that they were seeking to maintain as much of the existing hedgerow along the road as possible. Noted the Requirement of 15% open space by the planning authority - currently achieving 13% with this development.
- It was stated that the 5.5meter road width to 6meteres at the entrance to development was due to slope at roundabout. Was stated that the ppen area available to the south of the site can be relooked at. Noted that Taking in charge map has been included in the pre-application. Discussion is welcomed regarding material choices and details.
- ABP stated the need to ensure compliance with DMURS. ABP noted the need to detail how the open spaces operate, and the safety measures associated with same.
- ABP requested that the applicant review the area of open space to the north having regard to the potential removal of the future road link/Include CGI's and photomontages at application stage to demonstrate views of the front of development.

In relation to *Transport*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought clarification in relation to the proposed pedestrian footpath link to the town/Justification for non-provision of a footpath to the eastern side of the R764/details of any pedestrian crossing proposed/ Include justification at application stage as to why a footpath on the eastern side cannot be provided, demonstrate the options investigated and chosen resolution.
- ABP sought clarification in relation to future links to sites to the north and east/potential for same to be opened up in the future/need to provide a footpath or pedestrian link close to or adjacent to the R764 which links to the employment lands to the north.
- ABP sought clarification in relation to the impact on the Protected Structure (Dawn Cottage) as a result of the proposed pedestrian path/impact on the curtilage of same/details of the proposed boundary treatment for this Protected Structure/Conservation report will be required/this will be an important issue.
- APB sought clarification in relation to boundary treatments to the other dwellings on the western side of the R764 which will be impacted by the provision of a pedestrian link. Queried if internal roads were DMURS compliant – some appear slightly wider than DMURS standards.
- The PA noted that the footpath is an important element for the site, one would suffice. At application stage report could be submitted detailing crossing point and the reasoning for same/the desire line is located east of the road.
- The applicant stated that future links to the east will be through the school/School is not open to such a link at present/link through church ground is also not an option at present/however provisions will be made for future links.
- The applicant noted that to the west of the site lies an open stream, idea to culvert not an option/is a significant constraint in relation to a provision of a footpath along the eastern side of the R764/would have a significant impact on the stream.
- Noted that discussions with the owners along the western side road have taken place/ have consent to create a footpath along the western side of the R764/

- The applicant noted that Dawn Cottage (a Protected Structure) lies beside proposed footpath, idea is to move the front hedging back, with no works to the building itself. Noted that a boundary wall of up to 1.8m high would be provided to other dwellings.
- The PA noted that soft boundary treatment was preferable to a higher wall.
- ABP noted that the Heritage officer's submission at application stage will be important. ABP expressed some concern in relation to the visual impact of a 1.8m wall to boundaries of dwellings along the western side of R764/need to revise same and provide additional details at application stage.
- The applicant stated that he will liaise with Wicklow's heritage officer before application stage.

In relation to *site services*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought clarification in relation to the response from Irish Water.
- The applicants noted the previous confirmation received from Irish Water accepting 107 units, In September revised number of 150 units accepted/Waiting for updated confirmation of feasibility documentation. All drainage drawings show the updated works/Numerous meetings/discussions with Irish Water regarding the development.
- ABP noted the need to ensure all up to date documentation from Irish Water is submitted at application stage, along with any other discussion details.

In relation to *Trees/Ecology/Appropriate Assessment*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further details of what trees are being kept. The PA noted that particular tree species require protection.
- The applicant noted that it was proposed to keeping all tree's bar three high amenity species. A revised layout will be submitted at application stage showing tree species saved. No dig method proposed at footpath area to reduce any impact on the trees.

- Applicant noted that the submitted Screening report concluded no significant risk to S.A.C
- ABP noted the need to ensure all relevant documentation/findings are provided at application stage.

In relation to *Childcare Provision*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further elaboration/discussion on whether crèche in the previous development is constructed. The PA stated they were satisfied with creche provision.
- The application noted the construction of creche in previous development is nearly complete, hoping to be finished before end of December. Noted that the creche holds 90 places

In relation to *Any Other Matters*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further elaboration/discussion on the mix of units proposed.
- The PA stated that there was a shortfall in smaller 1-2 bed units. The applicant stated that calculations of the mix of units can be provided at application stage. Was noted that the idea of 1 beds is challenging if apartment blocks are not being included in the development. The applicant noted that there is a good mix of 2,3 and 4 bed units (50% 3 bed, 37% 4 bed, 13% 2bed) but the duplex block can be looked at to include more 1-2 beds.
- The PA noted, in relation to surface water, possibility of looking at culvert at the back of River Walk due to past flooding issues. The applicant stated that culvert can be looked into in relation to River Walk however there will be no increase in any run off water from the development.
- Inclusion of details of material contravention (if applicable) on public notices.

10.0 Consultation

Irish Water

Confirmation of Feasibility issued for this site for 107 no. residential units. The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. Upgrades to the watermain and the foul water sewer will have to be carried out to supply this development, however, no third party or statutory consents are required for this work other than a road opening licence from the local authority. Therefore, based upon the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

Department of Culture, Heritage and the Gaeltacht

The National Monuments Service concurs with the findings and recommendations outlined in the Archaeological Impact Assessment report prepared by Archer Heritage. Recommends conditions.

11.0 **Assessment**

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

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Conclusion

Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the

Act **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

12.0 Recommended Opinion

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

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

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, further justification should be provided in relation to any non-compliance with the objectives set out under Specific Local Objective SL02 of the Ashford Town Plan, specifically as relates to the provision of community infrastructure and as relates to any road improvement works required.

2. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, further justification for the mix of units should be provided (or a revised mix with additional 2 bed units should be considered at application stage), having regard to the mix already provided by the same applicant on the lands to the west of the site (Ballinahinch Wood).
3. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, the proposed areas of public open space should be re-considered and redesigned to provide an enhanced standard of amenity, having regard to the potential removal of the proposed vehicular access to the lands to the north and having regard to the safety concerns raised in relation the area of open space to the south-east of the site. Regard should also be had to the comments of the planning authority, in particular the need to sufficient grassed areas for informal ball play/kickabout area.
4. A revised Arboricultural Assessment which includes details of any additional mature species to be retained as a result of the revised open space arrangements, as well as full details of tree protection measures for the trees/hedgerows to be retained. Justification for any trees to be removed is required.
5. Further justification for the non-provision of a footpath to the east of the R764 linking the site to Ashford Town Centre should be provided. Further details should also be provided in relation to the proposed footpath to the western side of the R764 linking the site to the town centre, including details of proposed pedestrian crossings and boundary treatments to dwellings on this side of the R764. The height and nature of the new boundary along this roadside should be justified and detailed drawings of same should be submitted at application stage.
6. Additional details relating to transport having regard to the report of the Transportation, Water & Emergency Services, Wicklow County Council (dated 24th October 2019) including details of footpaths and shared services, the provision of a pedestrian link to the employment lands to the north should be provided on the western side of the site, either close to or adjacent to the R764, number of cycle parking spaces and details of cycle storage, a Stage 2 Road Safety Audit and details of public lighting.

7. A revised Flood Risk Assessment taking into account the comments made by the Planning Authority, and in particular the report of the Environment Department, Wicklow County Council (dated 21st June 2019), in relation to previous minor flooding downstream of the site, adjacent to the River View Estate, as a result of culvert blockages.
8. Additional details in relation to drainage, having regard to the report of the Environment Department, Wicklow County Council (dated 21st June 2019), including the need for infiltration testing and the use of a petrol interceptor.
9. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. The treatment of the proposed duplexes and interface with the public realm should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
10. Additional CGIs/visualisations/3D modelling is required which shows the variation in house types. Additional details/additional CGIs/visualisations/3D modelling of the proposed public open space and showing proposed links through the development to adjoining sites.
11. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand
12. A Social Infrastructure Audit, as relates to social and community facilities that served the town of Ashford.
13. A site layout plan indicating what areas are to be taken in charge by the planning authority.
14. A site layout plan indicating how the net density has been calculated.
15. Site Specific Construction and Demolition Waste Management Plan.
16. Waste Management Details.

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

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

PLEASE NOTE:

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

Rónán O'Connor
Planning Inspector

05th December 2019