



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-305773-19**

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#### **Strategic Housing Development**

354 no. residential units (124 no. houses, 170 no. apartments and 60 no. duplex units); 2 story community enterprise building, 2 storey office building, relocation of existing temporary bus parking facility and associated site works.

#### **Location**

Glenheron, Greystones, Co. Wicklow

#### **Planning Authority**

Wicklow County Council

#### **Applicant**

Cairn Homes Properties Limited

#### **Prescribed Bodies**

Dept. of Culture, Heritage and the  
Gaeltacht

Dept. of Education

Irish Water  
National Transport Agency  
Transport Infrastructure Ireland

**Observers**

Clive Molloy  
Cllr. Derek Mitchell  
Cllr. Lourda Scott  
Ron Adderley

**Date of Site Inspection**

22<sup>nd</sup> January 2020

**Inspector**

Sarah Moran

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## 1.0 Introduction

- 1.1. 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 development site is located in the Charlesland area on the southern side of Greystones, c. 3 km south of the town centre and approx. 1 km west of the coastline. It is accessed via the R774 / L1121, the southern access route to Greystones from the N11, which is a dual carriageway at this location. The site has a stated area of c. 9.529 ha and is undeveloped lands. The topology is undulating, and the lands are at a slightly lower level than the R774. The site is generally covered in scrub and grassland and there are some trees and hedgerows along the southern site boundaries. There are some piles of spoil and part of the eastern side of the site is occupied by a temporary construction compound associated with the nearby Glenheron development. The Charlesland area is characterised by recent residential development including the Glenheron, Eden Gate, Eden Wood and Seabourne View developments. These developments generally consist of suburban housing of 2-3 storeys and apartments in 2-5 storey blocks. There is a neighbourhood centre nearby to the north west of the site, on the opposite side of the R774, which contains a supermarket, local shops and neighbourhood facilities including a doctor's surgery and a pharmacy. A new primary school is currently under construction to the north of the development site, also on the opposite side of the R774. There is a sports complex (the Shoreline Sports Centre) nearby to the south of the site, which is accessed via an unnamed local road off the R774. This local road bisects the southern end of the development site and also serves further zoned lands to the west of the development site. The Charlesland Golf Club is to the immediate east of the development site. There is an existing foul wayleave along the northern and eastern site boundaries.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development is to be the third phase of the Glenheron development north of the R774, 'Glenheron C'. It involves 354 no. residential units as follows:

| UNIT TYPE           | NO. OF UNITS | %   |
|---------------------|--------------|-----|
| <b>Houses</b>       |              |     |
| 2 bed house         | 13           | 4%  |
| 3 bed house         | 93           | 26% |
| 4 bed house         | 18           | 5%  |
| Total houses        | 124          |     |
| <b>Apartments</b>   |              |     |
| 1 bed apartment     | 36           | 10% |
| 2 bed apartment     | 123          | 35% |
| 3 bed apartment     | 11           | 3%  |
| Total apartments    | 170          |     |
| <b>Duplex Units</b> |              |     |
| 2 bed duplex        | 30           | 8%  |
| 3 bed duplex        | 30           | 8%  |
| Total duplex units  | 60           |     |
| <b>Total Units</b>  | <b>354</b>   |     |

The development has a stated net residential density of 49.25 units / ha, based on a net site area of c. 7.19 ha.

3.2. The application also includes:

- A two storey community enterprise building (1,356 sq.m.) and a two storey office building (1,376 sq.m.) in the employment zoned lands to the west of the unnamed access road;
- 547 no. car parking spaces and 496 no. bicycle spaces;
- Relocation of existing temporary bus parking facility to a new permanent bus layby on the western side of the unnamed road leading to Shoreline Sports Park;
- Accesses to the development via new junctions on the unnamed local road and via the Seabourne View apartment development to the north;

- Provision of pedestrian connections including across the R774 / L1221 to Charlesland neighbourhood centre;
- All associated site development works, drainage and infrastructural works, servicing (including 2 no. substations, bin stores), landscaping, open spaces, and boundary treatment works;
- Part V proposals comprising transfer of 35 no. residential units on site.

3.3. An EIAR is submitted with the application.

## 4.0 Planning History

### 4.1. **Reg. Ref. 07/1352 ABP PL27.226988 Lands Including Part of the Development Site**

- 4.1.1. A 10 year permission was sought for district shopping centre, retail warehouses, enterprise units, industrial units, car showrooms, offices, petrol filling station, 260 residential units, car parking, crèche, sites for a primary school, Garda station, recycling centre and associated site development works. Permission was granted by Wicklow County Council and appealed to the Board. The Board issued a split decision on the 8<sup>th</sup> January 2009 which granted permission for the development with the exception of the district shopping centre and the retail warehouses. The stated refusal reasons related to the location at an out of centre, greenfield site and the scale of the proposed retail development, adverse impact on the vitality and viability of the existing town centre and conflict with national planning and retail policies. Permission for the remainder of the development was extended until 7<sup>th</sup> April 2019.

### 4.2. **Reg. Ref. 18/953 Part of Development Site**

- 4.2.1. Temporary permission granted for a period of 3 years for the provision of a construction compound (related to the residential development under construction to the north of L1221 /R774 Reg. Ref. 16/1412).

### 4.3. **Reg. Ref. 17/780 Lands North East of Development Site**

- 4.3.1. Permission granted for Greystones Community National School consisting of a new three storey, 24 classroom primary school including all ancillary pupil and staff

facilities with 42 no. car parking spaces. This development is currently under construction.

#### **4.4. Reg. Ref: 16/792 PL27.247303 Lands North West of Development Site**

- 4.4.1. Permission granted for 50 no. houses to the north west of the subject site. The decision was appealed to the Board, but the appeal was later withdrawn. This development has been built and completed as the first phase of the Glenheron development, 'Glenheron A'.

#### **4.5. Reg. Ref. 16/1412 PL27.248927 Lands North of Development Site**

- 4.5.1. Permission granted for 192 houses and a two storey crèche to the north of the subject site. This development is nearing completion as the second phase of the Glenheron development, 'Glenheron B'.

### **5.0 Section 5 Pre- Application Consultation**

#### **5.1. Pre-Application Consultation ABP-304082-19**

- 5.1.1. The pre-application consultation related to a proposal to construct 321 no. residential units, enterprise building and associated site works at the development site. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 10<sup>th</sup> May 2019. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:

##### **1. Design and Layout**

Further consideration/ justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; configuration of the layout; creation of a strong urban edge; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high quality scheme should be given further

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

## 2. Density

Further consideration/ justification of the documents as they relate to the density in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Greystones and its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

## 3. Access

Further consideration/justification of the documents as they relate to the access arrangements to the proposed development, with particular regard to the proposed access directly off the Charlesland dual-carriageway in light of the opinion of the planning authority as expressed in section 3.8.2 of the planning authority Opinion to An Bord Pleanála, dated 24th April 2019. Justification should also be provided as to the non-provision of an access through the Seabourne View apartment development, if applicable, given that this appears to be the preference of the planning authority from a traffic safety perspective. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to access arrangements of the proposed development.

### 5.2. **Applicant's Response to Pre-Application Opinion**

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

#### 5.2.2. Design and Layout

- The development has been redesigned to create a stronger urban edge along the R774 and the unnamed local access road.



- The open space is now provided across three larger spaces throughout the development providing more useable and accessible open spaces.
- There is now no vehicular access from the R774 but instead from Seabourne View to the north and from the unnamed access road to the south west.
- Pedestrian access is provided at multiple points to the public footpath along the R774 and across to the crèche, school and neighbourhood centre on the northern side of the R774, through Seabourne View and connecting with the unnamed road.
- The development includes a greater variety of housing types, including apartment blocks and duplexes, which will create distinct character areas.
- The revised layout has been designed to address the urban design criteria of the Urban Design Manual and DMURS.
- The development has been designed around the existing characteristics of the neighbourhoods and the clear direction provided in the Action Plan for AP7 Charlesland.

#### 5.2.3. Residential Density

- The revised development has an increased density from c. 39.67 units /ha to 49.25 units /ha. This is at the higher end of the density range promoted in the national guidelines and is considered suitable given the accessible location and range of existing social infrastructure in the area.
- The development will deliver increased residential density in an area with good access to public transport, neighbourhood facilities and schools and the centre of Greystones, also employment land uses.
- The proposed new 3 storey duplex blocks and the 6 storey apartment buildings create a greater range of residential unit types and sizes and improve the overall mix for the area.

#### 5.2.4. Access

- The redesign of the development has removed the access directly off the R774.

- Vehicular access to the apartments is via Seabourne View. This does not have a vehicular link to the remainder of the development, only pedestrian / cycle connections for the following reasons:
  - Minimise disruption to the residential amenity of the Seabourne View.
  - Avoid the creation of a rat run through the development from the R774 to the school, employment lands and existing sports centre.
  - Provide a safe, pleasant, environment with reduced traffic for pedestrians and cyclists.
- Vehicular access to the western side of the development is via the unnamed access road.
- There are pedestrian and cycle connections to the R774 and a pedestrian / cycle route along the road frontage of the development.

## 6.0 Relevant Planning Policy

### 6.1. Section 28 Ministerial Guidelines

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated March 2018.
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

### 6.2. Eastern and Midland Regional and Spatial Economic Strategy 2019-2031

6.2.1. The Regional Spatial and Economic Strategy (RSES) including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on 3<sup>rd</sup> May 2019.

6.2.2. Section 3.2 identifies that the Dublin Metropolitan Area (DMA) covers the continuous built up city area and includes the highly urbanised settlements of Swords, Malahide, Maynooth, Leixlip, Celbridge, Bray and Greystones. Section 5.4 sets out the metropolitan area strategy including the North – South Corridor DART expansion programme, to be delivered by 2027, with a new station at Woodbrook – Shanganagh on the south eastern commuter line and the consolidation and westward expansion of Bray to Fassaroe and Old Conna linked to improved public transport connections, also the development of an IDA strategic site in Greystones to strengthen the economic base in North Wicklow.

### 6.3. Wicklow County Development Plan 2016-2022

6.3.1. Greystones-Delgany is designated in the settlement strategy as a Level 3 Large Growth Town II within the Metropolitan Area, with its population targeted to increase from 17,208 in 2011 to 24,000 in 2028. The development plan identifies a priority to attract a concentration of major employment generating investment to Greystones due to a lack of employment and high levels of commuting and states:

*The settlement should aim to be economically self sustaining, with a population including its catchment that is able to support facilities such as high quality secondary education service, a small hospital or Primary Health Centre type facility and comparison retail centre.*

6.3.2. Tables 2.4 and 2.8 of the development plan core strategy identify a population allocation of 24,000 for 2028 with a corresponding requirement for 3,501 new housing units in the same period. Table 2.11 identifies a target of 1,492 jobs to be created for Greystones in the period 2011-2028, an overall increase of 7%.

6.3.3. Development plan chapter 4 relates to housing. The following housing objectives are noted:

*HD5 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.*

*HD10 In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where*

*previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.*

*HD13 Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.*

- 6.3.4. Development plan section 5.4 sets out a planning framework for economic development including the Bray/Cherrywood/Greystones Core Economic Area. It states:

*The key trends within these settlements highlight the significant leakage of Wicklow's educated workforce predominantly into Dublin City and the south/south west Dublin areas, with Greystones-Delgany in particular demonstrating a significantly higher level of leakage with 56% of residents with a 3<sup>rd</sup> level education or higher working outside this area.*

*In this regard this plan must place an emphasis on creating the right environment within each of these settlements to ensure that they are capable of attracting potential employers to appropriately zoned lands and thus increase employment within the County.*

#### **6.4. Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (Including AP7)**

- 6.4.1. The development site is within the boundary of the Greystones-Delgany and Kilcoole LAP. The LAP was adopted by the elected members of Wicklow County Council on 2<sup>nd</sup> September 2013, to take effect on 29<sup>th</sup> September 2013. The LAP is not currently subject to a review process.

- 6.4.2. Several zoning objectives apply to the overall development site. The eastern side of the residential site has the zoning objective R22: Residential – 22 units / ha:

*To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity.*

The western side of the residential site has the zoning objective CE: Community and Education:

*To provide for civic, community, institutional, health, educational facilities and burial grounds.*

The lands within the development site west of the unnamed access road have the zoning objective E: Employment:

*To provide for economic development, enterprise, industry, distribution, warehousing and employment.*

- 6.4.3. LAP Table 2.3 sets out a housing target of 3,765 no. additional units for the period 2011-2022. The settlement strategy states that an average density of 22 units/ ha is to apply. Residentially zoned lands at Charlesland are to be developed as an opportunity to consolidate the built up area. Objective RES 5 applies:

*On undeveloped residentially zoned land, it is an objective of the Council to provide for the development of sustainable residential communities up to a maximum density, as prescribed by the land use zoning objectives indicated on Map A and described in 'Table 11.1: Zoning Matrix'.*

*In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties ...*

*Apartments generally will only be permitted within Greystones Town Centre, Kilcoole Town Centre, Delgany Village Centre, Neighbourhood Centres, Small Local Centres, Greystones Harbour and North Beach Action Plan, South Beach Action Plan and within 10 minutes walking distance of Greystones train station.*

*Within existing residential areas, regard shall be paid at all times to the overriding objective of the Council to protect the residential amenity of these areas and to only allow infill residential development where this reflects the character of the existing residential area. Apartments will not normally be permitted on sites surrounded by predominantly single family occupied housing estate developments.*

- 6.4.4. The following employment and economic development objectives apply:

*EMP1: To facilitate the development of employment generating activities on suitably zoned lands within Greystones-Delgany and Kilcoole, in accordance with the employment strategy of this local area plan and in accordance with the objectives and development standards set out in the Wicklow County Development Plan.*

*EMP2: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.*

6.4.5. The following social infrastructure objectives apply:

*SOC1: Social infrastructure shall be progressed in tandem with residential development and the latter will only be permitted on the basis of satisfactory provision of land and/or facilities for the former.*

*SOC6: To provide for the development of a 16-classroom primary school and one post-primary secondary school on lands at Charlesland, to be provided as part of AP7: Charlesland Action Plan.*

*SOC13: Allow for the development of new and improved community services, for health, welfare, community, education, civic and institutional uses including schools, childcare, nursing homes, community buildings, churches, Garda station, health centre etc. on suitably zoned lands. A site shall be reserved at Charlesland for a new Garda station (see AP7: Charlesland Action Plan).*

6.4.6. Action Area Plan 7 (AP7)

The LAP includes 10 no. Action Plan areas that are designated for comprehensive integrated schemes of development that allow for the sustainable, phased and managed development of the area during the plan period. LAP section 10.1 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, subject to compliance with the criteria set out below ...*

*While development shall be in accordance with the above agreed action plans, it should be noted that developers can at any stage submit proposals to revise an existing agreed action plan or make a new action plan for agreement. This shall generally only be permitted in cases where it is clear that the agreed action plan differs from the objectives for that area, as set out within the current local area plan.*

The AP7 Charlesland Action Plan comprises c. 29 ha of lands at Charlesland on both sides of the R774. They are zoned for residential, employment and community land uses, including the school site on the opposite side of the R774 and Phase B of

the Glenheron development. The lands are to be developed for a mix of uses including residential, employment and educational as follows, as per LAP section 10.8:

- Approximately 16 ha to be developed for residential use.
- Reservation of 1.6 ha for a new primary school and 4.86 ha for a new post primary school, land take subject to the agreement of the Dept. of Education and Skills.
- At least 6.61 ha to be provided for employment uses.
- Subject to there being a need for a site for a new Garda station at Charlesland, a site shall be reserved for a Garda station, to be provided in consultation with the Dept of Justice, Equality and Defence.
- A community enterprise centre of c. 8,000m<sup>2</sup>, which shall include a start-up facility of c. 2,800m<sup>2</sup> which shall be handed over to an appropriate community enterprise organisation.
- Provide public transport facilities, including bus/ coach parking facilities at an appropriate location.

## 6.5. Statement of Consistency

6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the Greystones-Delgany and Kilcoole LAP 2013-2019, the Wicklow County Development Plan 2016-2022 and other regional and national planning policies. The following points are noted.

### 6.5.2. Local and National Planning Policies

- The development will help to achieve national and local targets for housing development and provides for a mix of housing typologies and medium density development on zoned and serviced lands contiguous to the built up area of Greystones with access to public transport, social and physical infrastructure. This is in accordance with national planning policies for compact urban development.

- The proposed building height of six storeys is in accordance with the Guidelines for Planning Authorities on Urban Development and Building Heights, which encourage increased density and building heights in urban locations such as Glenheron.
- The submitted Housing Quality Assessment indicates that the apartments meet the standards set out in the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments including with regard to unit mix, floor areas, aspect ratios, private and communal open space provision, no. of units per core, car and cycle parking provision.
- The development has been designed to meet the 12 criteria set out in the Urban Design Manual that accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- The development is in accordance with the policy statement Quality Housing for Sustainable Communities.
- The application includes a statement of consistency with DMURS, which considers pedestrian and cycle connections, the design and layout of the public realm and public open space provision.
- The submitted crèche audit indicates that increased childcare demand can be accommodated by the existing and proposed facilities. Therefore, there is no need for an additional childcare facility in the area as required under the Guidelines for Planning Authorities on Childcare Facilities.
- The application includes a Strategic Flood Risk Assessment, which indicates that the development is not at risk from a 1 in 1000-year coastal event. The site is in Flood Zone C, which is an appropriate location for residential development as per the Planning System and Flood Risk Management Guidelines for Planning Authorities.
- The development is in accordance with development plan housing, community and economic development objectives.

#### 6.5.3. Greystones-Delgany and Kilcoole LAP and AP7 Action Plan

The following points are noted in particular in relation to the AP7 Action Plan under the Greystones-Delgany and Kilcoole LAP:



- The applicant and Wicklow County Council agreed an original AP7 Action Plan in April 2017 with five phases of development envisaged comprising residential and school to the north of the R774 (Phases 1 and 2); employment lands (including community enterprise centre and potential Garda station), additional residential lands and another school site to the south of the R774 (Phases 3, 4 and 5). The land uses in the Action Plan reflected those of LAP Map A.
- Permissions were granted for Phases 1 and 2 since the agreement of the original Action Plan.
- The applicant submitted a revised AP7 Action Plan to Wicklow County Council on the 1<sup>st</sup> October 2019. The revised AP7 included a redistribution of the CE and R22 zoned areas on the eastern side of the development site. It is submitted that the size of the zonings remained consistent with LAP Map A. The lands to the west of the unnamed access road are still to be developed as E employment. The revised AP7 changes the phasing strategy for the remaining development as follows:
  - Bring forward the delivery of further residential development in tandem with a first phase of a new Community & Enterprise centre and Office development (located on the employment lands), along with public bus parking facility as part of a single planning proposal (the subject application).
  - Concurrently (i) Confirm and agree the revised school site area with the Dept of Education, as per correspondence submitted with the application; (ii) Prepare a detailed Masterplan for the remainder of the employment lands to include for employment uses including additional offices, and potential future Garda station (submitted with the application).
  - Phase 4 provides for the delivery of the remainder of the employment lands and the schools site as part of a future planning application(s).
- It is submitted that the revised phasing proposal has had regard to current market conditions and the exceptional demand for residential accommodation in the North Wicklow area particularly in urban locations close to services and public transport.

- A Masterplan for the AP7 employment zoned lands is also submitted. This provides for over 21,500 sq.m of employment floor area and over 1,200 jobs when fully developed, which would be double the LAP target for the lands (i.e. 600 employees stated in LAP Table 2.1). The Masterplan envisages four employment quarters:
  - Quarter A Community Enterprise Centre (CEC)
  - Quarter B manufacturing/warehousing area
  - Quarters C and D office quarters
- A Socio-Economic Appraisal of the Charlesland CEC is also submitted. This report concludes that the provision of a 8,000 sq.m CEC in a single development/phase as per the AP7 LAP objective would be unprecedented in the State and is unlikely to be economically viable at this location. It is therefore proposed, based on the research findings, that a first phase CEC could be progressed in the short term in tandem with the next phase of residential development. This would comprise a CEC facility of 1,356 sq.m, along with a standard office development of similar size. These have the potential to deliver c.190 jobs in the short term. The remainder of the employment lands (including delivery of the remainder of the CEC objective) would then be developed in Phase 4. Subject to demand a future Garda station could also be located within the employment lands in Phase 4.
- Overall, the proposed development, with the accompanying Masterplan and revised AP7 Action Plan provides for a mixed use development of residential, and employment/ community enterprise uses that accords with the AP7 objectives, and which in turn facilitates the completion of the remainder of the AP7 lands to provide additional educational, employment and community uses in the remaining phase.
- The LAP does not restrict the delivery of additional residential development until all of the community enterprise and employment use in AP7 is delivered. The proposed development does not contravene the LAP in that respect. In addition, LAP section 10.1 provides that written agreement for a revised Action Plan may

not be needed if it can be demonstrated that an application will not undermine the achievement of the overall objectives for the Action Area. This is confirmed by the submitted Legal Opinion. Section 10.1 also provides that the position, location and size of the land use zonings relating to the Action Plan areas, as shown on LAP Map A, are indicative only and may be altered within an agreed Action Plan with regard to eventual road and service layouts, detailed design and topography, and subject to compliance with the various criteria outlined for each Action Plan area

- It is submitted that the overall objectives for AP7 are not undermined by the current application and masterplan but in fact are secured.
- Lands to the south of the development site are zoned for a post primary school. The application includes correspondence from the Dept. of Education confirming their intention to acquire and develop the lands.

## **6.6. Material Contravention Statement**

6.6.1. The application includes a Material Contravention Statement in relation to the potential material contravention of the Greystones- Delgany and Kilcoole LAP 2013-19 and the Wicklow County Development Plan 2016-2022, in relation to zoning, residential density and apartment development. The following points of same are noted:

- As per Section 10.1 of the LAP the position, location and size of the land use zonings within each Action Plan on Map A are indicative only and can be altered through agreeing a specific Action Plan with the local authority for the overall lands. This is confirmed in the submitted legal opinion. It is submitted that the proposed development complies with the zoning arrangement as per the revised AP7 Action Plan which in turn is in accordance with Section 10.1 of the LAP. Therefore, a material contravention of the LAP does not arise in relation to zoning
- The R22 zoning objective provides for a maximum density of 22 units / ha. LAP objectives RES 5 and development plan housing objectives HD5 and HD13 are noted. The proposed residential density of 49 units/ ha is inconsistent the R22

objective and Policy RES5. The provision of apartments at this location may also be in contravention of Policy RES5

- The proposed residential density has been increased to on foot of the Opinion issued by ABP. It is at the higher end of the 35-50 units per ha range suggested for greenfield/outer suburban locations in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- The it submitted that, should the Board concur that the development is a material contravention of the LAP, it can grant permission under Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, which states:

*(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.*

- In this case the contravention does not relate to the zoning of the land, but rather the density of residential development. Therefore, it is considered that the Board can adjudicate on a material contravention. The provisions of section 37(2)(b) of the 2000 Act are noted:

*(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that —*

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

- Due to its status as a Strategic Housing Development, the proposed development is of strategic or national importance as per section 37(2)(b)(i).
- The proposed residential density is in accordance with the section 28 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. In addition, the provision of apartments at this location is in accordance with national planning policy including the section 28 guidelines Sustainable Urban Housing: Design Standards for New Apartments, which support apartment development as part of the housing mix in large residential schemes at suburban locations such as this. Therefore section 37(2)(b)(iii) applies.
- Given the presence of the Seabourne View apartments to the immediate north of the development site, the proposed apartments and duplex units reflect the established pattern of development in the area. Therefore, section 37(2)(b)(iv) applies.

## 7.0 Third Party Submissions

7.1. There are four no. submissions by local residents and elected representatives. The main points raised may be summarised as follows:

7.2. Density:

- Density of development is excessive and would exceed the LAP zoning objective for the site.
- The Dart service in the area is limited and is not of a quality that would justify the provision of high density residential development at this site.

7.3. Visual and Residential Amenities:

- Scale of the six storey apartment block would be visually dominant and at variance with the Seabourne View development.
- Overshadowing of Seabourne View due to proximity and scale of the development.
- Block A should be omitted and replaced by a row of duplex apartments and Block B limited to five stories.
- Increased pedestrian movements through Seabourne View will impact on residential amenities of ground floor apartments.
- Inadequate public open space provision in the proposed development will result in use of green space in Seabourne View.

7.4. Social and Community Infrastructure:

- There is a critical need for a post primary school in this area, as identified in the LAP. The school should be provided in tandem with the proposed residential development. There is a serious concern in relation to the lack of an agreement with the Dept. of Education about the provision of the post primary school. The school site should be transferred to the Dept. of Education prior to the commencement of development.
- The Childcare Assessment submitted is incorrect. There is no capacity in existing childcare services in the area. The crèche in Glenheron B has not been built and

no new childcare facilities have opened in the area despite population growth. A childcare facility is therefore necessary to serve the proposed development.

#### 7.5. Employment / Economic Development:

- Previous permissions for employment developments at this locations have not been developed. There is currently little employment in Greystones with only 16% of the population working locally. The provision of employment uses is part of the AP7. It is essential that the housing is not developed in the absence of employment development, as has previously happened in Greystones.
- High density residential development should not be provided in the absence of the development of employment zoned lands.
- The application states that there is no demand for offices in the area. However, there is a high demand for smaller commercial units, e.g. warehouse with office units.
- The population appraisal is incorrect as it assumes a 25% reduction in children under 14. The population is likely to be 24 – 25,000 by 2028.

#### 7.6. Roads and Transport

- Existing roads in Seabourne View cannot cater for additional traffic generated by the development. The residents of Seabourne View have not agreed to the proposed access via their development, in contravention of the MUD Act.
- There is inadequate car parking provision for the apartments.
- The development should include a pedestrian bridge across the R774 dual carriageway.
- The proposed two bus parking spaces are inadequate. A total of four spaces should be provided at a minimum.
- EV charging points should be provided for the development.

#### 7.7. Bats:

- The implementation of the proposed bat mitigation measures should be verified by a third party.

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

## 8.0 Planning Authority Submission

8.1. Wicklow County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Greystones Municipal District at their meeting on 26<sup>th</sup> November 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

- The proposed quantum of residential development would accord with the development plan Core Strategy growth targets for Greystones-Delgany.
- Greystones-Delgany has been identified as having significant levels of out migration for employment purposes. The need to progress employment is a key in achieving the sustainable development of the town. The proposed employment development of c. 2,732 sq.m. of office use is well below the overall envisaged level of employment that could be generated from the AP7 lands of which this site forms part. Appendix A of the Greystones-Delgany and Kilcoole LAP envisions c. 32,000 sq.m. of floor space being provided as part of the AP7 lands. The proposed development provides for only 0.8% of this total. It is therefore considered that there is a significant imbalance with respect to employment provision.
- The submitted Action Plan has swapped a number of the land uses but the overall size of the lands dedicated to each use would accord with the objectives specified for ABP as set out in the LAP. It is considered that the amendment would not contravene the LAP objectives.
- The reduction of the Community Enterprise Centre to 2,700 sq.m. would not materially contravene the objectives set out for AP7. The Action Area approval does not permit the reduction in the 8,000 sq.m. development for Community and Enterprise. The current application is considered to be a further dilution of the Community and Enterprise provision.



- The residential development would materially contravene the R22 Residential zoning objectives for the lands.
- The provision of the school on the site included in AP7 should be at an early stage and an agreement on the transfer of this site should be in-situ. This should be conditioned as part of any grant of permission.
- The proposed density exceeds the maximum permitted density on these lands and therefore the development would materially contravene the residential zoning objective for the area. The density is considered to be out of character with the area.
- The approval for AP7 provided for specific phasing requirements. The proposed phasing plan for the overall development would result in the residential element of the development proceeding in advance of any employment development. The phasing of employment development in advance of residential development is considered key to achieving a sustainable community and to reverse the significant out commuting that occurs within this area. The applicant's argument for the proposed phasing based on market conditions is not considered a sufficient basis to allow for the further front loading of residential development in this area. The current figures clearly indicate that Greystones is not operating in a self-sustaining manner and the overall development of Charlesland, including the subject site, was seen as a counterbalance to this skewed pattern. Any development on these lands should therefore be appropriately phased so that the residential units are provided in tandem with physical and social infrastructure and services that are necessary to ensure that the settlement of Greystones can accommodate, in a sustainable manner, the increase in population that would result from the development and from previously permitted developments. Phasing as set out in the approved AP7 document should be implemented in full.
- While the proposed enterprise building would not accord with the LAP or the requirements of the agreed AP7, the revised scale would be an acceptable starter building subject to the provision of a total of 8,000 sq.m. of community / enterprise in the next phase of development.
- The community and enterprise centre shall be handed over to an appropriate community enterprise organisation to be agreed with Wicklow County Council.

- The Childcare Audit states that there is capacity within existing childcare facilities, which does not appear to be the case. The Childcare Audit relies on the crèche permitted under Reg. Ref. 16/1412 being provided. No residential unit should be occupied in advance of this facility being in place and fully operational. In addition, no residential units should be occupied until the primary school under construction is open. Only 50% of the residential development shall be constructed until the lands required for a post-primary school as part of the AP7 Action Plan have been transferred / sold to the Dept. of Education and Skills.
- The limited scale of bus parking is noted and lack of driver facilities. No supporting documents have been submitted with respect to the suitability of this limited space. An additional area should be provided such that welfare facilities for drivers can be provided at a later date if deemed necessary by operators. The bus layby should be segregated from the access road carriageway by a 2m wide footpath and pedestrian barrier in the interest of traffic /pedestrian safety.
- Several issues are raised in relation to the roads design and layout. In particular, the priority junction at the main entrance to the development is considered to be a significant traffic hazard. Access to the residential development should be off the existing roundabout or at least a left in/left out access. The access through Seabourne View is acceptable.
- The car parking provision for the overall development and in particular the apartments is considered wholly inadequate and would lead to pressure for parking on the adjoining road network. There are limited public transport services available. The site is not located in an area served by high frequency public transport where a substantial reduction in parking could be supported. While the development is close to lands identified for employment development, no existing levels of employment are currently available to support the extent of car parking reduction proposed. The permission of the proposed scale of car parking would lead to a traffic hazard.
- There is no justification for the provision of an additional Toucan crossing on the R774. This would result in three pedestrian crossings within 440m, which is considered excessive. The existing pedestrian crossing 140m north and a new

crossing to be provided 320m south of the proposed crossing will serve the proposed development. The cycle parking provision is considered sufficient.

- The Mobility Management Plan for the development is considered highly aspirational and unenforceable and the feasibility of implementing such a plan is questioned.
- The apartments are considered to be significantly at variance with surrounding development and their scale is considered inappropriate.
- The housing mix is acceptable in principle, however larger (c. 3 bed) bungalows should be provided within the scheme in order to accommodate members of the community who wish to downsize to an own door unit.
- The distribution of public open space within the development is generally acceptable. The quantum of public open space is overall in accordance with the development plan requirement for 15% of the site area. The landscape design is acceptable.
- The Part V proposals are acceptable in principle.
- No objection to proposed surface water drainage design subject to conditions.
- The overshadowing study indicates that there will be some overshadowing of the Seabourne View, but the identified impacts are minimal. It is considered that the development would not have a significant impact on the amenities of this apartment development.

8.1.1. The planning authority recommends refusal for the following reasons:

- The proposed density exceeds the maximum permitted density on these lands and the development would therefore materially contravene the residential zoning objective for the area R24 as set out in the Greystones-Delgany and Kilcoole LAP.
- The reduction of the community enterprise centre to 2,700 sq.m. would materially contravene the objectives set out for AP7 in the LAP and the approved Action Plan.

- The proposed phasing plan fails to adequately demonstrate that the proposed residential development is linked to the provision of social / community infrastructure and employment that is required to ensure the sustainable, phased and managed development of the Action Area lands.
- The relocation of land use zonings within the AP7 Action Area is subject to compliance with the requirements of the approved Action Plan. As the proposed scheme fails to comply with the Action Plan, it is considered that the proposed development of these lands for residential purposes would be contrary to the zoning objectives for the site as set out in the LAP.
- The parking provision is wholly inadequate, would lead to pressure for parking on adjoining estates/ road network and would therefore result in a traffic hazard.
- The scale of the apartment buildings would be significantly at variance with surrounding development, would be visually incongruent and is therefore not considered appropriate.

The planning authority also recommends conditions in the event that the Board decides to grant permission.

## **9.0 Prescribed Bodies**

### **9.1. Transport Infrastructure Ireland (TII)**

9.1.1. States no observations.

### **9.2. National Transport Agency**

9.2.1. The following points are noted:

- The large roundabout that provides primary access to the development from the R774 does not adequately cater for pedestrians and cyclists as it provides for uncontrolled crossings rather than toucan crossings on each arm. This of particular importance given the proximity of the school site to the north. It is unclear how development to the south of the R774 can proceed in a manner which facilitates safe access for cyclists and pedestrians, including school children, in the absence of significant improvements to this junction.

- The design of the internal network serving the office development does not adequately provide for cycle movements.
- Changes to the local road network are recommended.

### 9.3. **Department of Culture, Heritage and the Gaeltacht**

9.3.1. The following points are noted:

- The development site is located within an archaeological landscape and a significant number of archaeological sites/ features have previously been identified and excavated in the area.
- A prehistoric site was excavated to the immediate north of the proposed development, recorded monument WI013-075. Many of the previous archaeological investigations in the wider vicinity have uncovered prehistoric archaeology including structures, funerary sites and a number of fuluchtaí fia. The early medieval and medieval periods are also represented in the archaeological record for the area, in the form of a number of enclosures.
- The submitted Archaeological Impact Assessment and test trenching are noted. The National Monuments Service concurs with the findings and recommendations outlined in the Archaeological Impact Assessment. Conditions are recommended including archaeological monitoring.

### 9.4. **Dept. of Education and Skills**

9.4.1. The following points are noted:

- The Dept. has identified a requirement for a new post-primary school in this area. The new school was initially announced to be established in 2021, however due to significantly increased projected enrolments and capacity constraints in the area, it will now open in September 2020 in interim accommodation.
- The Dept. is currently engaged with the applicant in respect of adjacent lands in its ownership, which have been deemed to be technically suitable for a post-primary school and is supportive in principle of the proposed rearrangement of zoning. While this engagement is ongoing, no agreement has been reached to date regarding the proposed acquisition.

- The Dept. notes that the development would result in a substantial population increase for the area and significant further pressures for school places in an area where there is already a major deficit. It holds grave reservations in respect of the proposed development in the absence of certainty on the provision of permanent accommodation for the new post-primary school.
- The Dept. notes LAP objective SOC6. It submits that the LAP should be adhered to. Any course of action that results in the school being omitted as part of a new neighbourhood development would be contrary to the proper planning and sustainable development of the area.

## 9.5. Irish Water

- 9.5.1. Based upon the details provided and the Confirmation of Feasibility already issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

## 10.0 Appropriate Assessment Screening

- 10.1. An AA Screening Report is submitted, which lists designated sites within a 15 km radius. The development site is not in or immediately adjacent to any Natura 2000 site. The nearest Natura 2000 sites are the Murrough SAC (site code 2162) (c. 1.3 km) and Glen of the Downs SAC (site code 0719) (c. 2.5 km). The Murrough SPA (site code 4186) is further to the south. There are no other Natura 2000 areas within 2km of the site boundary. The development would not, therefore, have the potential to have likely significant direct effects on any such site. The lands at the development site were in agricultural use until at least 2000. Due to lack of grazing or other management, they are now a combination of dry meadow and scrub habitats with treelines at remaining agricultural boundaries. These habitats are of local biodiversity value but are not listed as Annex I habitats. The site does not provide any ex situ habitats that would support any Natura 2000 site. There are no water bodies present at the site and therefore no potential hydrological connections. Foul and surface water drainage from the development would drain to the municipal systems serving the wider urban area. Its potential to have an effect at the outfall from those systems is negligible. The proposed development, therefore, would not

have the potential to have any significant indirect on any Natura 2000 site. As the development does not have the potential to have any significant direct or indirect effects on any Natura 2000 site, it could not have any such effects in combination with any other plan or project. Therefore, having regard to the location and nature of the proposed development, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 11.0 Assessment

11.1. The following are the principal issues to be considered in this case:

- Principle, Quantum and Density of Development
- Design and Layout of Residential Development
- Impacts on Visual and Residential Amenities
- Roads and Traffic / Transport Impacts
- Drainage, Flood Risk and Site Services
- Childcare and School Provision
- Archaeology
- Part V

These matters may be considered separately as follows.

### 11.2. Principle, Quantum and Density of Development.

11.2.1. The site is within the boundary of the Greystones-Delgany and Kilcoole LAP 2013-2019 LAP. As outlined in section 6.4 above, several distinct zoning objectives apply to the overall development site. As per LAP Map A, the eastern side of the residential site has the zoning objective 'R22: Residential 22 units/ha' and the western side of the residential site has the zoning objective 'CE: Community and Education'. The lands to the west of the unnamed access road have the zoning objective 'E: Employment'. The development site is also part of a larger area, 'AP7: Charlesland Action Plan'. This comprises 29 ha on both sides of the R774, including the development site, the school site opposite the proposed development, part of the

Glenheron development north of the R774 and further employment zoned lands west of the development site and south of the R774. The AP7 lands are primarily owned by the current applicant with a strip along the eastern boundary owned by Charlesland Golf Club. AP7 is one of ten 'Action Areas' provided for in the LAP. LAP section 10.1 states that these areas are:

*"... designated for comprehensive (not piecemeal) integrated schemes of development that allow for the sustainable, phased and managed development of the area during the plan period. Separate applications for sections of each area will not be considered until an overall action plan has been agreed in writing with the planning authority unless it can be shown that any application will not undermine the achievement of the overall objectives for that Action Area."*

LAP section 10.1 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".*

This flexibility is subject to the following criteria for AP7, as set out in LAP section 10.8:

- Approximately 16 ha to be developed for residential use.
- The reservation of 1.6 ha for a new primary school and 4.86 ha for a new post primary school.
- At least 6.61 ha to be provided for employment uses.
- Subject to there being a need for a site for a new Garda station at Charlesland, a site shall be reserved for a Garda station, to be provided in consultation with the Dept. of Justice, Equality and Defence.
- A community enterprise centre of c. 8,000 sq.m., which shall include a start-up facility of c.2,800 sq.m. which shall be handed over to an appropriate community enterprise organisation.
- Provide public transport facilities including bus / coach parking facilities at an appropriate location.



11.2.2. The submission of Wicklow County Council recommends refusal on several grounds including *inter alia* (i) the proposed residential density materially contravenes the R22 zoning objective; (ii) the reduction of the community enterprise centre to 2,700 sq.m. would materially contravene the objectives set out for AP7 in the Greystones Delgany and Kilcoole LAP and the approved Action Area Plan; (iii) the proposed phasing plan is inadequate as it fails to adequately demonstrate that the proposed residential development is linked to the provision of social / community infrastructure and employment that is required to ensure the sustainable, phased and managed development of the Action Area lands and (iv) the relocation of land use zonings within the AP7 Action Area is subject to compliance with the requirements of the approved Action Area Plan. As the proposed scheme fails to comply with the AAP, it is considered that the proposed development of these lands for residential purposes would be contrary to the zoning objectives for the site as set out in the LAP.

11.2.3. According to the documentation on file, an Action Plan for the AP7 area was agreed between the applicant and Wicklow County Council in April 2017. A copy of this document is on file. The agreed AP7 includes the following:

- Phase 1 residential development on R22 zoned lands north of the R774. Permission was granted here for 192 residential units and a crèche under PL27.248927, known as 'Glenheron B'.
- Phase 2 Primary school on CE zoned lands north of the R774. This is currently under construction.
- Phase 3 employment zoned lands south of the R774 and west of the unnamed access road. Including a reserved site for a Garda station and a Community Enterprise Centre (c. 8,000 sq.m.) including a start-up facility (c. 2,800 sq.m.). The proposed Community Enterprise Centre (1,356 sq.m.) and office building (1,376 sq.m.) are located in part of this area. The agreed AP7 provides for a total of 33,000 sq.m. of employment floor area.
- Phase 4 Residential development on R22 lands south of the R774 (proposed development site).
- Phase 5 CE zoned lands east of the unnamed access road (part of the subject site) including bus and coach parking. A post-primary school is to be provided in this area subject to agreement with the Dept. of Education and Skills.

11.2.4. A revised Action Plan for the AP7 lands is submitted with this application, dated September 2019. This proposes the following amendments to the agreed AP7:

- Amalgamation of Phases 3, 4 and 5 of the agreed AP7 such that the residential development, the Community and Enterprise Centre and the office development, along with the bus parking facility are to be the subject of a single planning application, i.e. the current proposal.
- The applicant proposes to concurrently (i) agree a revised site for the post-primary school with the Dept. of Education and Skills (note that the layout differs from the zoning objectives in LAP Map A) and (ii) prepare a detailed Masterplan for the remainder of the employment zoned lands west of the subject development site, which is to include for employment uses including additional offices and a future Garda station. The Masterplan is submitted with the current proposal.
- A further Phase 4 involves the development of the remainder of the employment zoned lands in accordance with the Masterplan. This is not part of the current proposed development.

In addition, the proposed development site is to be phased as follows:

- Phase 1 houses and duplex units at the northern end of the development site.
- Phase 2 houses to the immediate north of the unnamed access road
- Phase 3 apartment Blocks A and B
- Phase 4 the office block and the Community Enterprise Centre

I note that the indicative layout for the CE and R22 zoned lands south of the R774 and east of the unnamed access road has a different configuration from that indicated in LAP Map 4. It is submitted that the quantum of lands for each land use is unchanged from that provided for in the LAP and that LAP section 10.1 provides for some flexibility, also that the proposed new configuration will allow for an attractive urban edge to the R774 and improved accessibility to the R22 zoned lands from the unnamed access road.

11.2.5. A Legal Opinion by Eamon Galligan S.C. is submitted in support of the revised configuration of zoned lands. This notes a recent decision by the Board in relation to

a SHD at Kilcoole, also within the boundary of the Greystones-Delgany and Kilcoole LAP, ref. ABP-305773-19. The Board refused permission for three reasons. Refusal reason no. 3 stated:

*The proposal for the construction of 14 number residential units, namely 113-122, on lands zoned open space would materially contravene an objective indicated in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, which objective is considered reasonable. It is considered that the inclusion of these houses, within an area of land in which residential development is not permitted, would not be in accordance with Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Accordingly, the Board is not in a position to grant permission for these residential units.*

The stated conclusions of the Opinion include:

- LAP section 10.1 allows for the position and location of uses in a proposed layout for a planning application within Action Plan areas to be flexible provided that those uses fall within the scope of the uses permissible under the zoning objectives and provided that there is compliance with the relevant criteria for each Action Plan area as set out in the LAP. It is clear that this provision applies in the context of AP7.
- The AP7 area as indicated in LAP Map A is, in effect the particular area that has been zoned for the purposes of section 19(2)(a) of the 2000 Act. The area has been zoned for four different particular purposes, i.e. Residential, Community, and Education, Employment and Active Open Space. The fact that the zoning is described as 'indicative only' under LAP section 10.1 does not preclude it from being a zoning objective for the purposes of section 19(2)(a). The effect is the same as if the entire area AP7 was given a single mixed-use zoning designation within which the four uses were the sole uses permissible. The Opinion concludes that the zoning objectives for the AP7 area are zoning objectives for the purposes of section 19(2)(a) of the 2000 Act and have not been contravened in the layout of the proposed development, also that the development therefore complies with the definition of SHD under section 3 of the 2016 Act.
- The flexibility allowed for in LAP section 10.1 is subject to compliance with the criteria of objectives of the AP7 are complied with. Furthermore, the indicative

zoning cannot be altered by reference to the provision of any agreed Action Plan for Charlesland as this would undermine the statutory LAP as it would circumvent public consultation.

- The overall quantum of residential use to be provided on lands owned by the applicant within the AP7 area amounts to approx. 16 ha, which complies with the relevant LAP criteria for AP7. The applicant states that the balance of the AP7 lands within their ownership will be developed in accordance with the criteria set out in LAP section 10.8. The proposed SHD application will not prejudice the achievement of these criteria with regard to the development of the applicant's lands.
- The Opinion concludes on this basis that the development is consistent with the land use zoning provisions of the LAP and does not contravene the LAP in relation to the zoning of land, whether materially or at all. If the Board grants permission for the proposed development, it therefore would not contravene section 9(6) of the 2016 Act.

This conclusion is accepted, and I am satisfied on this basis that the revised configuration of zoning objectives on the eastern side of the site, i.e. the R22 and CE zoned lands would not contravene the LAP. I also accept the points made by the applicant that the proposed revised configuration would provide a strong urban edge to the R447 and an improved access arrangement from the unnamed access road (I note that this issue was raised in the pre-application Opinion). The revised configuration of the CE and R22 zoned lands on the eastern side of the unnamed access road is acceptable in principle on this basis.

11.2.6. However, there are other concerns in relation to the overall phasing of development in the context of the AP7 provisions. Overall, the proposed development therefore effectively front loads the residential element of the development and provides only a small proportion of the employment land uses. In addition, no agreement has yet been reached with the Dept. of Education and Skills regarding the development of the post-primary school site (see correspondence on file). The Masterplan for the employment zoned lands as submitted provides for c. 21,500 sq.m. of employment floor area on the E zoned lands west of the unnamed access road, including part of the development site. This is to be provided in four 'employment quarters' as follows:

- Quarter A comprising A Community Enterprise Centre (1,356 sq.m.); A1 a two storey office building (1,376 sq.m.) and A2 a two storey office building (1,280 sq.m.), i.e. the current proposal. The documentation on file indicates that these buildings will support a combined total of c. 190 jobs.
- Quarter B manufacturing / warehousing total 6,020 GFA. To
- Quarters C and D office floorspace total 11,520 sq.m.

The application also includes a socio-economic appraisal of the employment zoned lands. This states that the Community Enterprise Centre will support 92 co-working space positions and that the potential number of jobs created by full occupancy of the wider employment zone lands at Charlesland is estimated to be in the region of 1,108 plus positions. It is submitted that this is far in excess of the 660 positions targeted for Charlesland employment zone in the LAP, also that the provision of an 8,000 sq.m. Community Enterprise Centre in a single development / phase would be unprecedented in the State and is unlikely to be economically viable in the short term.

11.2.7. I consider that this argument is reasonable and that the matter of phasing can be addressed by condition such that (i) none of the residential units is occupied in advance of completion of the post-primary school and (ii) the employment land uses west of the unnamed access road are constructed in advance of the first phase of the residential development.

11.2.8. A separate issue arises in relation to the proposed residential density on the R22 zoned lands and to the matter of the provision of apartments as part of the proposed development in the context of LAP Objective RES 5. The development has a stated net residential density of 49.25 units. This is based on the net site area of the residential area of the development, excluding the distributor road, the school site and the community and employment land uses. The Material Contravention Statement submitted with the application considers the development with regard to the provisions of Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and 37(2)(b) of the Planning and Development Act 2000. It notes that the development is of strategic or national importance due to its status as an SHD, i.e. section 37(2)(b)(i) applies. In addition, the proposed residential density has been increased on foot of the pre-application Opinion issued

by ABP and is in accordance with the section 28 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas national planning policy, which suggest a density of 35-50 units/ha for greenfield/outer suburban locations. Therefore, section 37(2)(b)(iii) applies. Finally, it is also submitted that, due to the presence of Seabourne View apartments to the immediate north of the development site, the proposed apartments and duplex units reflect the established pattern of development in the area. Therefore, section 37(2)(b)(iv) applies.

11.2.9. I do not accept that the development is of strategic national importance merely due to its status as an SHD. However, I concur with the other points made in the Material Contravention Statement and I consider that the Board is not precluded from granting the proposed residential density of 49.25 units/ ha in this instance. I am satisfied that the site has an 'outer suburban' location given its position at the southern end of Greystones in Co. Wicklow. I also consider that the site meets the definition of an 'Intermediate Urban Location' as per section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments, due to its location c. 2km or 'reasonable walking distance' from the centre of Greystones and the Dart station. The Apartment Guidelines state that such locations are generally suitable for medium to high density residential development that includes apartments, broadly with a net density greater than 45 units/ha. The residential density is considered acceptable on this basis.

11.2.10. The proposed apartment buildings are six floors high. There are no specific objectives in the LAP in relation to building height at this location. Given that the adjoining Seabourne View apartments are five storeys high, I do not consider that the proposed apartment blocks are out of character with the existing pattern of development in the area. I also note SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities:

*It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as*

*amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines.*

2. *a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
3. *avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

The apartment blocks are desirable in this policy context as they provide a greater mix of housing typologies within the development and contribute to a higher residential density in accordance with national planning policy as discussed above.

### **11.3. Design and Layout of Residential Development**

- 11.3.1. There are three separate elements to the proposed development. Apartment Blocks A and B sit within a landscaped area at the north eastern corner of the site with vehicular access from the R774 via Seabourne View to the immediate north. There are pedestrian connections between Seabourne View and the eastern side of the development with a new pedestrian crossing to the neighbourhood centre on the opposite side of the R774. Blocks A and B face Charlesland Golf Club to the east and have a landscaped public open space to the west, also overlooked by houses within the proposed development. Surface car parking for the apartments is provided along the eastern site boundary. The proposed houses and duplex blocks are located to the south west of the apartment blocks, with a separate vehicular access to the west from the unnamed access road off the R774. The three storey duplex units are located at the frontages to the R774 and the unnamed access road and the terraced and semi-detached houses are arranged to the rear of the duplex blocks, around local access roads and two central public open spaces. There is a ‘woodland walk’, or landscaped pedestrian route through the residential development, between Seabourne View to the north east to the main vehicular access to the south west, which will also function as a biodiversity feature linking green areas within the development. The post-primary school site is to the immediate south west of the residential area, with a separate access from the roundabout at the end of the unnamed access road. The Community Enterprise Centre and the two storey office block are clustered on the western side of the unnamed access road, along with associated landscaping and surface car and cycle parking. This area is accessed via

a 4<sup>th</sup> arm off the roundabout, with a new road that will also serve the further Employment zoned lands to the west of the site, as per the submitted Masterplan.

11.3.2. The Charlesland area is roads dominated and the existing urban realm is difficult at this location. The R774 severs the development site from the remainder of the Glenheron development, the primary school and the neighbourhood centre and the unnamed access road serving the Shoreline Sports Centre traverses the southern end of the development site. There are roundabouts at the R774 junction and at the end of the unnamed access road. The three storey duplex blocks will provide a reasonably strong urban frontage to the R774. They have been designed to present active frontages to the R774 but are set back at ground level by a landscaped buffer and have private terraces to the rear, away from the road frontage. There is a total of five no. house types within the development, all two storey, including gable end units. They are finished in a limited palette of render and stone cladding, similar to earlier phases of the Glenheron scheme. The six storey apartment blocks at the northern end of the site are finished in brick, render and metal cladding. They will read as a continuation of the Seabourne View apartments and the proposed render finish is harmonious with that of Seabourne View. I am satisfied that the combination of house types and apartment blocks will provide a good level of variety and interest within the scheme. The three main areas of public open space are to be landscaped with 'kickabout' areas, play areas, seating areas, passive and active spaces. The combined three spaces amount to 13% of the residential area of the development, excluding smaller open spaces and landscaped areas. This provision is considered satisfactory. The Arboricultural Impact Assessment indicates that existing trees within the site are to be retained and enhanced. I consider that the residential development overall will have a satisfactory standard of public realm and that the residential layout is satisfactory given the irregular shape of the site. I note that there is a marginal area at the end of the apartment blocks at the eastern site boundary, which is minimally overlooked. This area cannot be built on due to the presence of a foul wayleave.

11.3.3. The proposed layout of the terraced houses provides rear laneway access to two bedroom houses. I note that Wicklow County Council states concerns in relation to this arrangement. I recommend that the laneways be omitted by condition. I note that the design provides for secure bin storage to the front of terraced units.



- 11.3.4. The office and community enterprise buildings on the western site of the site will have a low, two storey profile and are set in parkland / campus style grounds. They will not have a significant visual impact, albeit that this area will appear somewhat unfinished in advance of the development of the remainder of the Employment zoned lands. The design and layout of this area are considered acceptable.
- 11.3.5. The application includes a Housing Quality Assessment. The apartments are designed to meet or exceed the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, including the minimum floor areas for apartment units and the quantitative floor area requirements set out in Appendix 1 of the Guidelines. The majority of the apartment units will be at least 10% greater than the minimum size required, exceeding the requirements of SPPR 3 and section 3.8 of the Apartment Guidelines. The floor plans of the apartment blocks indicate that there are between 3 - 8 no. units per lift and stair core, i.e. less than the maximum of 12 units per core specific in SPPR 6. All ground floor units have a floor to ceiling height in excess of the minimum 2.7m specified in SPPR 5. A total of 50% of the apartments are dual aspect, which just meets the minimum 50% requirement for suburban or intermediate locations as stated in SPPR 4 of the Apartment Guidelines. All single aspect units are east or west facing, east facing units are overlooking the golf course and towards the coastline. This is acceptable. All apartments have private open spaces in the form of balconies and terraces, which exceed the minimum dimensions set out in Appendix 1 of the Apartment Guidelines and the minimum width of 1.5m. Internal communal amenity spaces are provided on the ground floor and 5<sup>th</sup> floor of Block B and as a garden for Block A. Having regard to the detailed design and layout, to the submitted landscaping scheme and to the overall provision of public open space within the scheme, I am satisfied that the proposed apartments all have access to high quality public and communal spaces. The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011. The duplex apartments are all dual or triple aspect and have private open spaces in the form of terraces. I am satisfied that the individual house types and associated private open spaces provide a high quality of residential accommodation in a variety of typologies that meet the needs of a wide range of households. The

private open space provision for the duplex units does not meet development plan standards but is in accordance with the requirements of the Apartment Guidelines and is acceptable on this basis.

11.3.6. To conclude, I consider that the design and layout of the development are generally satisfactory subject to conditions with regard to national and development plan guidance for residential development.

#### **11.4. Impacts on Visual and Residential Amenities**

11.4.1. The site is located in a transitional area between the centre of Greystones and suburban development to the north and agricultural lands and rural areas to the south. It is generally visible from the adjoining roads and adjacent residential areas. The Wicklow County Development Plan 2016-2022 divides the county into six landscape categories from high to low vulnerability. The development site is classified as an Urban Area due to its location within the Greystones-Delgany and Kilcoole LAP and is considered low vulnerability. The landscapes south of the development site are a coastal area that is designated in the development plan as an Area of Outstanding Natural Beauty.

11.4.2. The Visual Impact Assessment considers views from 8 no. locations along the R774 and in residential areas to the north and west of the development and one vantage point in a rural area to the south. The development presents a strong frontage to the R774 and will generally read as a continuation of the existing urban/suburban environment at this location. The only immediately adjoining residential area is Seabourne View. Apartment Blocks A and B are to be located to the south east of the existing Seabourne View blocks. The blocks are juxtaposed such that overlooking to Seabourne View is obviated. While Blocks A and B will change the outlook from the communal open space to the east of Seabourne View. I note the submitted Daylight, Sunlight and Overshadowing Study, which concludes that the development will result in some additional overshadowing on existing apartments during certain periods of the year, i.e. autumn and winter, when overshadowing is the least noticeable. However, the analysis also considers the Vertical Sky Component (VSC) of points on the eastern and western sides of the adjacent apartment building within the Seabourne View complex. All points tested within the Seabourne View complex had a VSC above 27% with the development in place, with

a reduction not less than 8 times the former value, in line with BRE guidelines. I also consider that the public open space to the east of Seabourne View will benefit from a greater sense of enclosure and improved passive surveillance. I consider that the development is generally harmonious with the Seabourne View complex and will not have any adverse impact on visual amenities.

11.4.3. I note the submissions by Seabourne View residents that object to the proposed vehicular and pedestrian access routes through that development. I consider that the development will generate a limited amount of vehicular traffic that will circulate on existing roads within the Seabourne View complex. While I note concerns in relation to potential anti-social activity, etc, I consider that the provision of improved pedestrian permeability is desirable, particularly given the proximity of the neighbourhood centre to the north west of Seabourne View. In addition, Seabourne View will benefit from accessibility to the new landscaped passive and active open spaces at the northern end of the proposed development. I therefore consider that there will be no significant adverse impact on visual or residential amenities overall.

11.4.4. To conclude, while third party concerns are noted, I am satisfied that the development will not have any significant adverse impact on visual or residential amenities.

## 11.5. **Roads and Traffic/Transport Impacts**

### 11.5.1. Existing and Proposed Roads, Pedestrian and Cycle Layout

The R774 is a distributor road that connects the N11 to the centre of Greystones. It is subject to a 60 kph speed limit at this location. There are pedestrian and two way cycle routes on both sides of this stretch of the R774 and pedestrian crossings to the east and west of the adjacent roundabout on the R774. The southern end of the site is traversed by an unnamed access road that serves the Shoreline Sports Centre to the south of the development site. There are roundabouts where the unnamed access road meets the R774 and at the access to the Shoreline Sports Centre.

The proposed roads layout indicates three separate entrances to the development. The apartment blocks are to be served by an extension of the existing access road at Seabourne View. The roads layout involves relocating three existing parking spaces within the Seabourne View complex. While third party concerns are noted, as discussed above, this access will be used by a limited amount of traffic and is

generally acceptable. I note that the Road Safety Audit recommends that 7 no. car parking spaces located on the inside of a bend on the access road to the apartments should be relocated for road safety reasons, this may be required by condition, along with the other recommendations of the RSA.

The remainder of the residential development is accessed via a new priority junction off the unnamed access road at the southern end of the site. The employment development is to be accessed via a new road off the existing roundabout at the entrance to the Shoreline Sports Centre and the school site is to be accessed via another new connection to the same roundabout. The existing roads layout has been designed to accommodate these connections and they are generally acceptable, albeit that the roundabout on the unnamed access road may need to be redesigned to cater for additional traffic generated by the future development of the school site and the employment zoned lands. These will be the subject of separate future planning applications. There are some concerns about the priority junction at the entrance to the residential development. It is situated close to the bus layby on the western side of the access road and I note that Wicklow County Council considers it to be a significant traffic hazard. It recommends the provision of a 'left in, left out' access at this location. I also note the proximity of the priority junction to the bus parking area and the recommendation of Wicklow County Council that this area be redesigned to accommodate welfare facilities for drivers, also issues raised in the Road Safety Audit in relation to the pedestrian and cycle infrastructure on the access road. There is scope to redesign this area to the satisfaction of the planning authority given that the applicant owns lands on the western side of the access road and can facilitate a larger land take if necessary. It is important that a satisfactory layout can be achieved that has capacity for the subject proposal as well as future pedestrian, cycle and vehicular traffic that will be generated by the future development of the employment zoned lands to the west and the school site to the south, as well as the traffic generated by the Shoreline Sports Centre. I recommend a condition requiring a revised layout for the access road and priority junction, to the satisfaction of Wicklow County Council.

There are currently pedestrian and cycle routes on both sides of the R774, however pedestrian and cycle movements are limited by the dual carriageway and by the presence of two roundabouts. The proposed roads layout includes footpaths and two

way cycle routes on both sides of the unnamed access road, continuing into the employment zoned lands on the western side of the site. The internal roads layout within the residential development has been designed to meet DMURS standards with tight corner radii and a reduction of vehicular speed by design measures such as good legibility, pedestrian crossings at raised tables within the development, a strong sense of enclosure and passive surveillance, to create a 'self-regulating' environment. Cyclists share surfaces at the local roads, which are designed to facilitate pedestrian and cycle desire lines and minimise vehicle / pedestrian conflict. I am satisfied that the detailed design of local streets, as described in section 10.2.10 above, provides an integrated approach to vehicle, cycle and pedestrian access, parking provision, drainage infrastructure and hard and soft landscaping. I note the comment of Wicklow County Council regarding specific amendments to comply with DMURS. Permission should be subject to a condition that the detailed layout complies with DMURS and the standards of the National Cycle Manual. The detailed roads design may be agreed with the planning authority by condition, to the standards required for Taking in Charge.

I consider that the development provides a high degree of pedestrian and cycle permeability overall as it creates new connections to Seabourne View, to the R774 and to the employment zoned lands. The layout also provides for 'potential future connections' to the school site and lands to the east of the development. The development also includes a new pedestrian crossing at the R774 to the north east, to create a new connection to the neighbourhood centre and school on the opposite side of the dual carriageway. Wicklow County Council recommends that this aspect of the development be omitted by condition, stating that there are two existing pedestrian crossings in close proximity that will serve the proposed development. I consider that there will be a strong desire line between the northern end of the development and the neighbourhood centre and school on the opposite side of the R774 and that the pedestrian crossing should be retained as part of the proposed development. I also note the concerns of Transport Infrastructure Ireland about the pedestrian and cycle layout at the roundabout on the R774 and the cycle infrastructure within the employment zoned lands. As discussed above, I recommend that the priority junction and the unnamed access road be redesigned to facilitate the development. The roundabout on the R774 may have to be amended to cater for

future developments in the area, however the submitted Traffic and Transport Assessment indicates that it has capacity to cater for the subject proposal.

#### 11.5.2. Car and Cycle Parking Provision

One of the refusal reasons recommended by Wicklow County Council refers to inadequate car parking provision. The proposed car parking provision is broken down as follows:

|  | Units / GFA                      | Proposed Car Parking Spaces | Development Plan Standard  |
|--|----------------------------------|-----------------------------|--|
| <b>Houses</b>                          | 124                              | 240<br>1.9 spaces / house   | 2 spaces per 2 bed + units = <b>248 spaces</b>   |
| <b>Duplex Units</b>                    | 60                               | 88<br>1.47 spaces / unit    | <b>120 spaces</b>  |
| <b>Apartments</b>                      | 170                              | 128<br>1.33 spaces / unit   | 1 space per 1 bed + 1 visitor space per 5 no. 1 bed units<br><b>268 spaces</b> for 2 and 3 bed apts<br><b>43 spaces</b> for 1 bed apts |
| <b>Community Enterprise and Office</b> | c. 1,356 sq.m.<br>c. 1,376 sq.m. | 91                          | 4-5 car spaces / 100m <sup>2</sup> GFA<br><b>109 – 136 spaces</b>  |
| <b>Total</b>                           |                                  | <b>547</b>                  |  |

Having regard to the above, I consider that the proposed parking provision for the houses is satisfactory. The parking provision for the duplex units and apartments may be considered with regard to the standards provided in the Apartment Guidelines. Section 4.19 of the Apartment Guidelines defines ‘Central and/or Accessible Urban Locations’ as within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services. Given that there is limited public transport availability at this location, I do not consider that it comes within this category. The Apartment Guidelines provide the following guidance in relation to ‘Intermediate Urban Locations’:

*In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.*

I consider that the development site falls within this category given that it is served by bus routes and within reach of Greystones town centre and Dart station, also adjoining employment zoned lands, schools and neighbourhood facilities. I consider that the proposed parking provision for the apartments is acceptable on this basis, also given that the development incorporates 8 no. car club spaces 9 (4 spaces for the apartments and 4 spaces for the employment uses). The submitted Mobility Management Plan is also noted in this regard. I note that Wicklow County Council states particular concerns regarding the quantum of car parking and the parking layout for the office and employment land uses. I consider that the proposed quantum is acceptable given the availability of public transport and that the parking layout should be revised to the satisfaction of Wicklow County Council.

The proposed cycle parking provision is as follows:

|  | Units                            | Cycle Parking Spaces | Development Plan Standard / Apartment Guidelines  |
|--|----------------------------------|----------------------|---|
| <b>Houses</b>                          | 124                              | 0                    |   |
| <b>Duplex Units</b>                    | 60                               | 112                  | 1 space / bedroom +   |
| <b>Apartments</b>                      | 170                              | 276                  | 1 visitor space / 2 units<br><b>697 spaces</b>  |
| <b>Community Enterprise and Office</b> | c. 1,356 sq.m.<br>c. 1,376 sq.m. | 104                  | 20% of employee numbers subject to minimum of 10 bicycle places or one bike space for every car space, whichever is the greatest. |
| <b>Total</b>                           |                                  | <b>496</b>           |   |

The proposed cycle parking provision is below the above standard of 1 cycle parking space per bedroom plus one space per 2 units for visitors as set out in section 4.17 of the Apartment Guidelines. I recommend that additional cycle parking be required by condition to comply with this standard. The cycle parking provision for the employment uses exceeds development plan standards and is satisfactory.

#### 11.5.7. Traffic and Transport Impacts

The site is located in an area where there is limited public transport availability. There are public and private bus services along the R774 with stops on both sides of the carriageway. The 84 and 84x routes connect to the centre of Greystones as well as Blackrock, Bray and Newcastle. The Dart service at Greystones train station is a 7 minute journey on the 84 bus, c. 3 km from the development site with Dart services

every 20-30 minutes from Greystones to the city centre. The Traffic and Transport Assessment anticipates a trip generation rate of 174 and 176 trips respectively during the morning and evening peak hours. The site access junction, the R774 roundabout, the R761 roundabout and the R774 / Charlesland Wood roundabout are projected to operate well within capacity for the opening year and future year scenarios of 2021, 2026 and 2036. The TTA therefore concludes that the development will have a negligible impact on the local road network. Potential cumulative impacts in relation to future developments on adjoining lands will be considered as part of separate future planning applications. These conclusions are accepted.

#### 11.5.8. Construction Traffic Impacts

Construction traffic will access the development via the R774, most likely from the direction of the N11. TTA section 7.7 provides details of proposed construction traffic management measures. A Construction Traffic Management Plan will be implemented, including routing, travel management and vehicle usage.

#### 11.5.9. Roads, Traffic and Transportation Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.

### 11.6. **Drainage, Flood Risk and Site Services**

- 11.6.1. There are no watercourses present at the development site or in the immediate vicinity. The site is within the Newcastle (Wicklow) sub-catchment of the Avoca-Vartry catchment. It is close to a hydrometric divide between the Kilcoole Stream c. 1 km to the southwest and the Three Trout Stream c. 400m to the north. It is c. 800m from the Irish Sea. EPA water quality data classifies the Kilcoole Stream as 'moderate'. No water quality data is available for the Three Trout Stream. There is an existing surface water drainage network in the vicinity of the site with sewers at the R774 and the unnamed access road to the south of the site. These discharge to the Three Trout Stream through Seabourne View. There is a foul sewer (Knockroe Sewer) along the eastern site boundary, which discharges to Greystones WWTP. There is an existing watermain running parallel to the R774. The submitted Site



Investigation Report states that ground investigations at the site found clay soils with a water table as high as 1.2m below ground level, i.e. extremely low infiltration rate.

- 11.6.2. The development includes a surface water drainage strategy to control run-off to greenfield rates for the residential part of the development. Detailed drainage calculations are submitted. The proposed surface water drainage system has been designed with regard to the high water table at the development site. Pre-application consultations with Wicklow County Council established that the only available outfall is to a surface water sewer to the north of Seabourne View. The surface water drainage system is to discharge to the existing sewer at Seabourne View via a new 375 mm sewer from the site boundary through the landscaped area to the rear of Seabourne View. Surface water from the employment uses on the western side of the site is to discharge at an attenuated rate to the sewer in the unnamed access road at the southern end of the site. The proposed system has been designed to cater for run-off from the adjoining school site. The design incorporates SUDS measures including green roofs to employment buildings and apartment blocks, water butts, permeable parking, swales and infiltration trenches. The Infrastructure Report notes the poor ground conditions for SUDS measures, this has been taken into consideration in the drainage calculations. I am satisfied that the development includes an integrated and comprehensive surface water drainage system that has been prepared in consultation with Wicklow County Council.
- 11.6.3. The surface water network, attenuation storage and site levels are designed to accommodate a 100-year critical storm event (1% AEP) with a 20% climate change provision. The development includes overland flood routes for storms in excess of the 100 year return period, which direct flow towards open space areas and adjacent public roads. A Site Specific Flood Risk Assessment (SSFRA) is submitted. The CFRAM Preliminary Flood Risk Assessment (PFRA) mapping available for the area indicates a risk of pluvial flooding in the north eastern corner of the site. The more detailed CFRAM assessment indicates that the site is located well above the predicted 1% AEP and 0.1% AEP fluvial flood levels outside areas of fluvial flood risk associated with the Three trout's Stream. The site is also well outside coastal flood zones. The area identified as at risk of pluvial flooding is the most low-lying part of the site. The SSFRA states that the proposed site levels will result in this area being raised which will reduce pluvial flood risk. Groundwater vulnerability at the site is

extreme due to the high water table. The drainage design proposes measures to address groundwater fluctuations including an impermeable geomembrane around the surface water attenuation tanks. The proposed surface water drainage management system also obviates pluvial flood risk. No increase in flood risk is predicted. The site is considered to be located in Flood Zone C (low probability of flooding) as defined by The Planning System and Flood Risk Management Guidelines for Planning Authorities and the related Technical Appendices. A Justification Test is therefore not required.

11.6.4. The development is to connect the existing foul sewer and watermains in the vicinity. The submission of Irish Water states that these connections can be facilitated.

11.6.5. The proposed foul drainage and water supply arrangements are satisfactory subject to conditions. I am also satisfied that the development is not at any significant risk of flooding and will not add to flood risk in the area.

#### **11.7. Childcare and School Provision**

11.7.1. The development does not include any childcare facility. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The development includes 152 no. 3 and 4 bed units (houses, duplex units and apartments). Therefore, a total of c. 40 no. spaces would be required to comply with the Childcare Guidelines, or 52 no. spaces if the 2 bed houses and duplex units are taken into consideration.

11.7.2. The submitted Crèche Audit and EIAR Chapter 4 Population and Human Health provide information on the demographic characteristics of the area and of existing childcare facilities in the Charlesland, Eden Gate and Farrankelly area, also the projected population of the proposed development. I note that only one childcare operator in the area had vacancies. A crèche was granted as part of the 'Glenheron B' development ref. PL27.248927, which provides 98 no. spaces. It is submitted that

this facility, along with the existing facility in the area that has vacancies, will cater for the proposed development. I do not accept this argument as the permitted creche will cater for the demand generated by that development and I consider that the current proposal therefore does not comply with the Childcare Guidelines. Given the socio-economic profile of the area, the proposed development is likely to be occupied by a large number of young families and will generate a significant demand for childcare facilities. I therefore recommend that the Board impose a condition that a crèche be included on the ground floor of apartment block A to cater for up to 52 no. childcare spaces. This location is considered suitable due to its proximity to the site access from Seabourne View and to the availability of an adjacent area of open space.

## 11.8. Archaeology

11.8.1. EIAR Chapter 13 deals with archaeology. Archaeological testing has been carried out at the site comprising a total of six trenches across the test area. No evidence for archaeological activity was identified. The closest recorded monument to the development site comprises an earthwork (WI013-119) c. 230m to the north-northeast while the closest archaeological site is a redundant record (WI013-023) within the confines of the site. An area in the western side of the development site was tested in 2001 following the identification of possible features (WI013-022 and WI013-023), however these were revealed to be a backfilled quarry and a geological feature of no archaeological significance. There are four recorded monuments located within 500m of the development site and there are an additional 33 no. archaeological sites listed in the SMR within the surrounding landscape, which are not scheduled for inclusion in the next revision of the RMP. These sites represent archaeological features that have been previously investigated as part of the R774 road scheme and adjacent residential developments to the north and northwest of the development site. A high level of Bronze Age archaeological remains recorded to the north and northeast of the development site indicates that the site lay within an intensively settled and utilised Bronze Age landscape. Evidence for habitation, burial and other activities have been recovered and represent a significant element of Bronze Age activity in Co. Wicklow. Extensive prehistoric and a number of early medieval sites were identified in the environs of the development. A significant prehistoric habitation site was identified to the north of the development site, the

excavation limits of which may have extended into development site boundary (WI013-075). It consisted of a structure indicated by postholes, a cremation pit, animal burials, and linear and curvilinear features which may have represented an enclosure. The southeast portion of the site was archaeologically tested in 2019, however nothing of significance was encountered.

11.8.2. I note the conclusions of the Archaeological Assessment in the EIAR, which recommends archaeological monitoring during construction and preservation of any identified archaeological features by record. No significant residual impacts on the archaeological resource are predicted. I note the submission on file by the Dept. of Culture, Heritage and the Gaeltacht, which concurs with the findings and recommendations outlined in the Archaeological Assessment and recommends conditions including archaeological monitoring of construction works.

#### **11.9. Part V**

11.9.1. The applicant proposes to transfer 35 no. units on site to Wicklow County Council comprising 2 no. 3 bed houses; 9 no. 2 bed houses; 12 no. 3 bed duplexes; 12 no. 2 bed duplexes in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. The units to be transferred are grouped in five clusters throughout the development and are not concentrated in one location. I note the correspondence on file from Wicklow County Council, dated 10<sup>th</sup> October 2019, which states agreement in principle to this proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

#### **11.10. Planning Assessment Conclusion**

11.10.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

## 12.0 Environmental Impact Assessment

### 12.1. Introduction

12.1.1. This application was submitted to the Board after 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

12.1.2. The application is accompanied by an Environmental Impact Assessment Report (EIAR). 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 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provide that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development proposes 354 no. residential units and has a stated area of c. 9.529 ha. Development class 15 of Part 2 of Schedule 5 provides:

*Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.*

Chapter 1 of the EIAR report states that the applicant has submitted the EIAR having regard to Development Class 15 and the criteria set out in Schedule 7 of the Regulations, to Section 172 of the Act and to the cumulative impact of the proposed development in conjunction with the adjoining Glenheron estate also developed by the applicant (i.e. 596 no. units in total between the extant and proposed developments). In addition, the total site area for AP7 is c. 29 ha, which is above the 10 ha threshold.

12.1.3. Article 299A of the Regulations provides that, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

12.1.4. The EIAR contains three volumes:

- Volume 1: Written Statement
- Volume 2: Appendices
- Volume 3: Non-Technical Summary

Chapters 1 - 3 inclusive set out an introduction to the development, background to proposed development, description of the proposed development including the construction stage, alternatives considered, and methodology used. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy. The likely significant direct and indirect effects of the development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population & Human Health
- Biodiversity
- Soils, Geology and Hydrogeology
- Water and Hydrology
- Noise and Vibration
- Climate and Air Quality
- Landscape and Visual
- Traffic and Transportation
- Waste Management
- Archaeology and Cultural Heritage
- Material Assets
- Interactions

- Schedule of Mitigation Measures

12.1.5. EIAR Table 1.2 sets out the relevant experts involved in the preparation of each chapter of the EIAR. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

12.1.6. 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 results of the submissions made by the Planning Authority and prescribed bodies, has been set out at Sections 7.0 and 8.0 of this report. This EIA has had regard to the application documentation, including the EIAR, the observations received, and the planning assessment completed in section 10 above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## 12.2. **Vulnerability of Project to Major Accidents and / or Disaster**

12.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR does not specifically address this issue which is considered a deficit in the assessment. I note however, that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source.

## 12.3. **Alternatives**

12.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. Chapter 2 of the EIAR deals with alternatives. It considers alternative locations, alternative designs and layouts and alternative processes. Potential alternative locations and land uses are considered on the basis that the site is zoned for development under the

Greystones–Delgany and Kilcoole LAP. EIAR section 2.3 provides a rationale for the proposed quantum of residential, employment and community / education land uses in the context of the relevant zoning objectives. A summary of eight different designs and layouts considered by the applicant is provided, along with a rationale for the subject proposal with regard to land use zonings, roads layout, connections with adjacent developments, public open space provision, urban design, planning policy considerations and environmental impacts, along with consultations carried out during the pre-application process. The issue of alternative processes is not considered relevant to the proposed residential and employment development. I consider that the matter of the examination of alternatives has been satisfactorily addressed.

#### **12.4. Likely Significant Direct and Indirect Effects**

##### **12.4.1. Population & Human Health**

The assessment provides information on the existing population in the area, based on data from various sources including CSO censuses and the ESRI Quarterly Economic Commentary, also existing / permitted school and childcare provision in the area. The construction phase of the development will have a positive impact on local employment and economic activity. The development is likely to generate a population of c. 956 when fully occupied, based on the national average household size of 2.7 people. The estimated population for the overall Glenheron development Phases A, B and C is c. 1,609 people based on the total no. of 596 units. The proposed community enterprise building and office building have the potential to provide up to 190 jobs in the short term. There are potential impacts on human health during the construction phase, associated with construction traffic and surface contaminants, dust, exhaust emissions, noise and waste generation. Related impacts are considered in other relevant chapters of the EIAR. Health and safety matters are addressed with regard to relevant legislation. Mitigation measures are considered, as set out in the relevant chapters. They include a Construction and Environmental Management Plan (CEMP). No significant cumulative impacts are envisaged. The overall predicted impacts related to the construction phase are short-term, temporary and neutral. The predicted impacts associated with the operational phase are positive and long term.



#### 12.4.2. Biodiversity

EIAR Chapter 5 evaluates impacts on flora, fauna and habitats based on site surveys carried out on 14<sup>th</sup> September and 30<sup>th</sup> July 2019. A dedicated bat survey was carried out in September 2018 and July 2019. The nearest designated site is The Murrrough pNHA / SAC, a coastal wetlands complex that stretches for 15 km Ballygannon to the north of Wicklow town and inland for up to 1km in places. It is bound to the east by the main Dublin / Wexford rail line. The predominant habitats present at the development site are dry meadow, scrub and treelines. These habitats are of local biodiversity value. There are no Annex I listed habitats present. The Three trout Stream is approx. 400m to the north of the site, has Salmonid status. The bat survey found no evidence of bats roosting at the site. Four species were recorded foraging / commuting: Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat and Brown long-eared Bat. The overall level of bat activity at the site is assessed as medium. A total of 11 no. trees at the site are assessed as potential bat roosts, seven of these are to be felled as part of the proposed development. Other potential impacts on biodiversity relate to habitat removal; direct disturbance of species during construction activity and disturbance related to human activity at the completed development, e.g. lighting, pets; disruption of ecological corridors; impacts on bat roosts; surface water run-off and pollution of water courses through ingress of silt, oils and other toxic substances; pollution related to foul wastewater discharge from the development; damage to retained habitats, e.g. soil and tree roots, loss of bat foraging routes. Proposed mitigation measures include construction management measures, tree protection measures and habitat replacement by landscaping. Bat mitigation measures as outlined in the separate submitted Bat Report are to be implemented including bat boxes, dark zones and lighting design. No significant residual or cumulative impacts are expected.

#### 12.4.3. Soils, Geology and Hydrogeology

According to the GSI database, the majority of the site is underlain by gravels derived from limestones. The bedrock under the site is recorded on the GSI website as Bray Head formation, comprising greywacke and quartzite. The Bray Head formation is classified as a 'PI-poor aquifer which is generally unproductive except for local zones. Groundwater vulnerability under most of the site is classified as 'high'. A geotechnical site investigation was carried out in 2018, details of same are

provided, such that it indicated an area of Made Ground on the western side of the site. The soil and laboratory data from the site investigation were screened against generic assessment criteria to assess potential risks. The screening assessment concludes that the criteria are consistent with the principles of human health protection in Irish EPA, UK DEFRA and UK Environment Agency guidance. Groundwater results were also analysed and found to be representative of groundwater conditions in the wider area. Asbestos containing materials (ACMs) were found in a soil sample from the northern end of the site. Additional soil sampling was carried out at the site in September 2019, including asbestos testing. Two of 44 samples were found to contain asbestos. A conceptual site model defining viable source-pathway-receptor linkages indicates that the viable pathway between soil remaining in-situ following redevelopment and human receptors is limited to landscaped areas. The areas where ACMs were found to be present will be addressed with appropriate remediation during the construction phase removing the source and likelihood of exposure.

Potential impacts during construction relate to excavation and infilling of soil and subsoil during construction, also the handling and storage of fuel and chemicals, use of lime, concrete and cement, surface water run-off and sources of fill and aggregate. Excavated material will be re-used at the site where possible. Material that cannot be re-used will be disposed of at appropriately licenced / permitted facilities. Potential increased groundwater vulnerability due to soil removal will be largely mitigated by an increase in hard standing across the site. Overall water balance changes are considered to be negligible. Imported fill material and aggregates will be 'clean' and carefully sourced. Construction management measures include management of soil and stockpiles, avoidance / mitigation of spills and leaks, waste management and handling / control of fuel, chemicals, lime, concrete and cement, also surface water management. An asbestos remediation plan will be prepared. No significant residual impacts are identified.

There are no significant potential impacts on soils, subsoils or hydrogeology during the operational phase. No significant cumulative impacts are identified.

#### 12.4.4. Water and Hydrology

The proposed surface water attenuation system, SUDS measures, flood risk, foul network and water supply are discussed in section 10.6 above.

There is potential for contaminated surface water run-off during construction, these are to be mitigated by construction management measures including control of surface water run-off. The development will not involve any significant dewatering. Potential impacts are assessed as low with a short duration and therefore not significant. Impacts during the operational stage are assessed as negligible and imperceptible. No significant cumulative impacts are identified.

#### 12.4.5. Noise and Vibration

Baseline noise monitoring was carried out for a 48 hour period at the following three locations in July 2019:

- A northern site boundary
- B eastern site boundary adjacent to Charlesland Golf Club
- C inside the western site boundary adjacent to the employment zoned lands

with average levels as follows:

| Location | Daytime Average dB    | Night time Average dB |
|----------|-----------------------|-----------------------|
| A        | 50.6 L <sub>Aeq</sub> | 41.5 L <sub>Aeq</sub> |
| B        | 43.9 L <sub>Aeq</sub> | 40.6 L <sub>Aeq</sub> |
| C        | 46.6 L <sub>Aeq</sub> | 42.6 L <sub>Aeq</sub> |

An Environmental Noise Survey was also carried out at five noise sensitive locations around the development site in July 2019, i.e. residential properties / developments in the wider area. The existing noise environment was typical of a residential area with some traffic noise.

Potential noise impacts during construction activity at the development site are to be subject to a daytime noise limit of 65 dB L<sub>Aeq</sub>, which has been established based on the above noise surveys. The standard BS 5228:-1:2009+A 2014 *Code of practice for noise and vibration control on construction and open sites – Noise* provides the

following limits for daytime noise levels outside the nearest window of the occupied room closest to the site boundary:

- 70 L<sub>Aeq, 1hr</sub> Monday to Friday
- 60 L<sub>Aeq, 1 hr</sub> Saturdays and Bank Holidays

Predicted construction noise levels are based on the plant items to be used at the site, along with construction traffic. The limit of 65 dB L<sub>Aeq</sub> is likely to be exceeded at NSLs 2 and 3 (southeast and southwest of the site) during site clearance works and at NSL 2 during general landscaping and road work. This is identified as a negative, significant and short term impact. Proposed mitigation measures comprise construction noise control measures as recommended in BS 5228 (2009 +A1 2014) including selection of quiet plant, noise control at source, screening, public liaison, monitoring and construction phasing.

Construction vibration levels at nearby buildings are expected to be below a level which would cause disturbance to occupants of nearby buildings and vibration impacts during construction are assessed as neutral and imperceptible.

Potential noise impacts associated with the completed development relate to increased traffic noise and are assessed with reference to projected traffic levels. The predicted impact is imperceptible and long term.

There is potential for cumulative noise impacts during construction associated with other adjacent developments including the national school and the earlier phases of Glenheron. Potential cumulative impacts are assessed as imperceptible as these works are expected to take place at large distances to the most exposed noise sensitive receivers to the proposed development. There are no significant cumulative noise impacts associated with the completed development.

#### 12.4.6. Climate and Air Quality

The site is in a location classified as Zone C as defined by monitoring data in the EPA 'Air Quality in Ireland 2018' report. The nearest available existing climate data is from records at Casement Aerodrome, including the predominant wind direction.

Potential air quality impacts during construction primarily relate to fugitive dust emissions. A dust minimisation plan is to be implemented. Residual impacts are assessed as not significant. Potential air quality impacts from the constructed

development relate to traffic-related air emissions, which are modelled based on projected traffic volumes from the development. The impacts are assessed as negligible, long term and imperceptible.

No significant regional air quality or climate impacts are identified. No significant cumulative impacts are identified.

#### 12.4.7. Landscape and Visual

The development will significantly alter the landscape from an undeveloped scrubland site to a large, mixed use estate. The scheme will be visible from the adjoining public road and from certain vantage points in the wider landscape. The Visual Impact Assessment considers a total of 8 no. viewpoints along the R774, in residential areas to the north and west of the site and at a rural location to the south of the development. I am satisfied that the viewpoints chosen allow for a comprehensive consideration of overall visual impacts. Photomontages are provided. Impacts are assessed overall as neutral or moderate. The predicted impact on landscape character is assessed as moderate-neutral. Having inspected the site and viewed it from a variety of locations in the vicinity, I concur with this assessment.

Proposed mitigation measures comprise the retention of some existing trees within the site and the proposed landscape strategy, which aims to integrate the development with the existing landscape and create a network of open spaces while contributing to local biodiversity.

#### 12.4.8. Traffic and Transportation

12.4.9. The findings of the submitted Traffic and Transport Assessment are summarised in EIAR Chapter 11. No significant traffic or transport impacts are identified, including cumulative impacts. Mitigation measures to reduce reliance on private vehicle use / ownership comprise car club, new pedestrian and cycle infrastructure, coach parking facilities and mobility management. The Board is referred to section 10.5 above in respect of traffic and transportation. The above discussion concludes that the development would not have such a significant adverse impact on traffic and transport in the area as would warrant a refusal of permission and that issues identified in the submission of Wicklow County Council may be dealt with by condition.

#### 12.4.10. Waste Management

Construction waste will arise during the ground works and construction phases. A site specific Construction Waste Management Plan is to be implemented to ensure that waste generation is minimised and opportunities for re-use and recycling are maximised; waste materials are to be removed from the site by appropriately permitted waste haulage contractors and disposed of at approved and licensed facilities in compliance with the Waste Management Act 1996 and all associated Waste Management Regulations. The completed development is to be taken in charge. EIAR tables 12.2, 12.3 and 12.4 indicate predicated waste volumes from the completed development. Waste generated from the occupation and maintenance of the development will be removed and managed by the local authority or private waste management contractors. An Operational Waste and Recycling Management Plan will be implemented. No significant cumulative or residual impacts are predicted.

#### 12.4.11. Archaeology and Cultural Heritage

There are several recorded monuments in the vicinity, due to recent excavations associated with nearby developments. A summary of excavations, findings and recorded monuments in the area is provided in section 11.8 above. Archaeological testing was carried out at the site comprising a total of six trenches across the site. No evidence for archaeological activity was identified. There are no protected structures within or in the immediate vicinity of the development site. No significant impacts on archaeology or cultural heritage are identified for the construction or operational stages. Archaeological monitoring is recommended.

#### 12.4.12. Material Assets

EIAR Chapter 14 provides details of existing/ proposed roads, transport, drainage, telecommunications, gas, electricity, waste management and lighting infrastructure in the area. Construction impacts will be localised and mitigated by construction management measures, as set out in other relevant chapters of the EIAR. The completed development will generate increased demand on water services, power, telecommunications and transport infrastructure with a predicted long term, neutral impact. No significant residual or cumulative impacts are anticipated.

## 12.5. Significant Interactions

12.5.1. EIAR Chapter 15 provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

## 12.6. Reasoned Conclusion on the Significant Effects

12.6.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR including Chapter 18 Schedule of Mitigation Measures, to supplementary information provided by the developer, and the submissions from the planning authority and prescribed bodies 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:

- Biodiversity impacts, which will be mitigated by landscaping and compensatory planting; tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development; additional bat mitigation measures as outlined in the Bat Assessment on file.
- Land and soil impacts, which will be mitigated by a CEMP; Construction Waste Management Plan and an asbestos remediation plan.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Traffic and transportation impacts, which will be mitigated by construction traffic management; a Mobility Management Plan and by the provision of pedestrian and cycle facilities.

- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Archaeology impacts, which will be mitigated by monitoring during construction.

12.6.2. Having regard to the above, it is my view that the likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it. I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

## 13.0 Conclusion

13.1. The proposed development is acceptable in principle with regard to the zoning of the site for new residential development, community and employment land uses under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. The residential density and housing mix are satisfactory with regard to national and local planning policies for greenfield /edge of town sites. The design and layout of the development are considered acceptable subject to conditions and I am satisfied that it will provide a good standard of residential amenity for future occupants. The development will not have any significant adverse impact on visual or residential amenities and will provide a desirable contribution to the public realm at this location, achieving satisfactory pedestrian and cycle connections and a new pedestrian crossing on the R774. The roads layout is acceptable subject to conditions, in particular the redesign of the access road serving the southern end of the site and the related bus parking area and vehicular connections. It is considered that the development will not result in undue adverse traffic impacts and would have a moderate traffic impact on the local road network overall. I am satisfied that the development would not have any significant adverse impacts on cultural heritage. The proposed surface water arrangements, foul drainage and connection to the Irish Water network are all acceptable. I am also satisfied that the development does not result in a significant flood risk.

13.2. I therefore recommend that the Board grant permission.



## 14.0 Recommendation

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

## 15.0 Reasons and Considerations

15.1. Having regard to the following:

- a) the site's location adjoining the established settlement of Greystones, Co. Wicklow on lands with zoning objectives for residential, employment and community land uses under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;
- b) the policies and objectives in the Wicklow County Development Plan 2016-2022;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received,

It is 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 and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Board Order

### Planning and Development Acts 2000 to 2019

#### Planning Authority: Wicklow County Council

**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 25<sup>th</sup> day of October 2019 by Cairn Homes Limited, 7 Grand Canal, Grand Canal Street Lower, Dublin 2.

#### Proposed Development:

A planning permission for a strategic housing development on lands at 'Glenheron C', Greystones, Co. Wicklow. The site area is 9.529 ha.

The proposed development will consist of:

- 1) 354 no. residential units (124 no. houses, 230 no. apartments);
- 2) Provision of public and communal open spaces, car parking (456 no. spaces) and cycle parking (388 no. spaces);
- 3) Employment development comprising a two storey Community Enterprise Building (1,356 sq.m.) and a two storey office building (1,376 sq.m.), 91 no car parking spaces and 108 no. cycle parking spaces;
- 4) The relocation of an existing temporary bus parking facility to the western side of the unnamed local access road leading to Shoreline Sports Park;
- 5) Access to the development from the unnamed local access road leading to Shoreline Sports Park and via Seabourne View to the north;
- 6) Provision of pedestrian connections including across R774 / L1121 to Charlesland Neighbourhood Centre;

- 7) All associated site development works, drainage and infrastructural works, servicing (including 2 no. substations, bin stores), landscaping, open spaces, and boundary treatment 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.

## **Reasons and Considerations**

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

- a) the site's location adjoining the established settlement of Greystones, Co. Wicklow on lands with zoning objectives for residential, employment and community land uses under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;
- b) the policies and objectives in the Wicklow County Development Plan 2016-2022;
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;

- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- h) the nature, scale and design of the proposed development;
- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received, and
- l) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would be acceptable in terms of urban design, height and quantum of 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 give rise to flooding in the area, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 area, the Appropriate Assessment Screening Report 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.

## **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 planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The report of the Inspector.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Biodiversity impacts, which will be mitigated by landscaping and compensatory planting; tree protection measures; survey of trees that are potential bat roosts; Construction Management Plan; surface water management measures during construction and for the completed development; additional bat mitigation measures as outlined in the Bat Assessment on file.

- Land and soil impacts, which will be mitigated by a CEMP; Construction Waste Management Plan and an asbestos remediation plan.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Traffic and transportation impacts, which will be mitigated by construction traffic management; a Mobility Management Plan and by the provision of pedestrian and cycle facilities.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Archaeology impacts, which will be mitigated by monitoring during construction

## **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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. Mitigation and monitoring measures outlined in the plans and particulars, including (i) the environmental impact assessment report, submitted with this application as set out in Volume I Chapter 16 of the environmental impact assessment report “Schedule of Mitigation Measures” and (ii) Section 5 of the submitted Bat Assessment shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of protecting the environment and of public health.

3. The proposed development shall be carried out on a phased basis, such that:
  - (a) Only 50% of the residential development shall be constructed until the lands required for a post-primary school which form part of the AP7 Charlesland Action Area have been transferred / sold to the Department of Education and Skills and
  - (b) The Community and Enterprise Centre and the Office development on the western part of the site are constructed and ready for occupation.
  - (c) Details of further phases shall be as agreed in writing with the planning authority.

**Reason:** To ensure that the proposed residential development takes place in tandem with the provision of social and economic infrastructure, as provided for in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.



4. The proposed development shall be amended such that a childcare facility shall be provided on the ground floor of apartment Block A to cater for up to 52 childcare spaces with an associated open space play area, which shall be the subject of a future planning application to Wicklow County Council.

**Reason:** In order to comply with national policy on childcare provision for residential development as set out in the Childcare Facilities Guidelines for Planning Authorities and the Sustainable Urban Housing Design Standards for New Apartments.

5. The proposed development shall be modified as follows with regard to transportation, pedestrian/ cycle and roads requirements:
  - (a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The unnamed access road at the southern end of the site shall be revised such that the following are redesigned to the satisfaction of Wicklow County Council:
    - (i) The bus layby.
    - (ii) The access junctions to the residential development and the employment zoned lands and the post-primary school site.
    - (iii) The pedestrian and cycle infrastructure.
  - (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks

within the development shall be in accordance with the guidance provided in the National Cycle Manual.

- (d) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.
- (g) A Mobility Management Plan for the development, to include parking management for the apartment blocks and proposals for a car sharing scheme, shall be prepared and submitted to the Planning Authority for its written consent prior to the commencement of development.
- (h) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (i) Car parking spaces on the inside of the bend on the access road from Seabourne View are to be relocated as per the submitted Road Safety Audit.

- (j) Additional cycle parking shall be provided for the apartments such that the development complies with the requirements of section 4.17 of the Sustainable Urban Housing: Design Standards for New Apartments.

(k) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

Drainage arrangements 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.

7. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

8. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments –

(a) All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads, when the walls shall be 2 metres in height, or by concrete post and concrete panel fences, 1.8 metres high.

(b) Details of all boundaries shall be agreed with the planning authority.

Details showing the required amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual and residential amenity and to ensure the provision of durable boundary treatments.

9. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

10. Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:

(a) A tree protection plan.

(b) A programme of tree surgery works.

(c) Details of root zone design and specification for street trees proposed.

(d) Detailed design proposals for the proposed play areas.

**Reason:** To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

11. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house / unit within the relevant phase of the development.

**Reason:** In the interest of amenity and public safety.

12. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements / marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. The developer shall comply with the following requirements:

(a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, those areas of the site that will be taken in charge by the planning authority.

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

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

15. 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.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development,

noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

17. 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.

**Reason:** In the interest of sustainable waste management

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and



(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

20. 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

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

22. 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

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Sarah Moran  
Senior Planning Inspector  
28<sup>th</sup> January 2020