



An
Bord
Pleanála

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

Inspector's Report ABP-307211-20

Strategic Housing Development

218 no. residential units, childcare facility and associated site works.

Location

Lands at Kilgarron Hill, Townland of Parknasillogue, Enniskerry, Co. Wicklow.

Planning Authority

Wicklow County Council

Applicant

Capami Ltd.

Prescribed Bodies

1. Irish Water
2. The Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Inland Fisheries Ireland

6. The Wicklow County Childcare Committee.

Observer(s)

82 observers as per Appendix 1

Date of Site Inspection

21st August 2020

Inspector

Ronan O'Connor

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation	7
6.0 Relevant Planning Policy	10
7.0 Third Party Submissions	16
8.0 Planning Authority Submission	21
9.0 Prescribed Bodies.....	25
10.0 Environmental Impact Assessment (EIA) Preliminary Assessment.....	27
11.0 Appropriate Assessment	29
12.0 Assessment.....	48
13.0 Conclusion and Recommendation	60
14.0 Recommended Order.....	62

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 site lies between 700m and 1.4km west of Enniskerry Town Centre. It has a stated area of 8.179 ha and consists of land under pasture. It occupies a piece of land that is elevated over the level of the village. It is approximately 80m south-west of the closest boundary of Knocksink Wood SAC. The site is relatively level, but rises steadily to the west where it is bounded by the Glenree Road (L1011).
- 2.2. The site has two separate lengths of frontage onto the Glenree Road, which is a local road that runs west from Enniskerry, along the northern edge of the demesne. The road is c5.4m wide and generally lacks footpaths, although isolated standings are provided at bus stops. A 10kV line crosses the site from east to west. A driveway crosses the site which leads to Parknasilloge House to the north, with a gate lodge standing at its junction with the road.
- 2.3. A small housing development of recent construction occupies a rectangular site of c0.8ha between the main part of the current site and the Glenree Road, named Parknasilloge Court. Its houses do not directly front the Glenree Road, although a footpath has been provided along the road in front of that scheme and parallel to its internal access roads. Immediately to the east of that scheme lie 2 houses on their own plots along the road. A GAA club and pitch occupy another plot on the Glenree Road beside to the east of the current site. There are two twentieth century housing estates on the other side of the road from the GAA club at the eastern end of the site, named Kilgarron. They share an access point onto the Glenree Road. Neither contains houses that directly front that road. To the west of the site there is a cluster of houses on both sides of the Glenree Road, some of which do have direct access onto that road. There is a pronounced bend on the Glenree Road on the site frontage just before that cluster which restricts visibility and acts to slow traffic.

2.4. I note that a new housing development is currently under construction opposite Parknasilloge Court.

3.0 Proposed Strategic Housing Development

3.1. The development is as follows:

219 no. residential units consisting of 19 no. 1-bed units, 42 no. 2-bed units, 108 no. 3-bed units, 48 no. 4-bed units and 2 no. 5-bed units. The units comprise of a mix of own door apartments, terraced housing, semidetached and detached housing and vary in heights from one to three storeys;

Childcare facility of 373.4 sq.m.;

Two main vehicular accesses off the Glenree Road;

Repair, replacement and provision of new drainage and pedestrian infrastructure including lighting towards the town centre on Kilgarron Hill along the Glenree Road;

All associated site development and infrastructural works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking, utilities, internal roads, footpaths and shared surfaces, playground, site clearance and temporary construction development.

The units comprise of a mix of own door apartments, terraced housing, semi-detached and detached housing and vary in heights from one to three storeys.

The proposed mix is as follows: 16 no. 1 bedroom own door apartments; 34 no. 2 bedroom own-door apartments; 34 no. 3 bedroom own-door duplexes; 3 no. 1 bedroom houses; 8 no. 2 bedroom houses; 75 no. 3-bedroom houses; 45 no. 4-bedroom houses; 3 no. 5-bedroom houses

Unit Type	No. of Units	%
1 bed	19	9
2 bed	42	19
3 bed	108	49

4 bed	48	22
4+ bed	2	1
Total	219	100

4.0 Planning History

4.1. Subject Site:

304037 – Refuse SHD Application for 218 no. residential units (134 no. houses, 84 no. apartments), creche and associated site works for 1 no. reason as follows:

Having regard to the proximity of the subject development to the Knocksink Wood Special Area of Conservation (site code 000725), to the potential for impacts on the qualifying interests and conservation objectives of this European Site due to alterations to the natural hydrogeology associated with the proposed development, and to the sensitivities of the European Site to land modification of the development site, both through diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water, it is considered that the documentation submitted as part of the application, including the Natural Impact Statement dated March 2019, and accompanying engineering and hydrogeology reports, is insufficient to provide a full understanding of the hydrogeology of the lands, and fails to provide a conceptual hydrogeological model that establishes, beyond scientific doubt, that the proposed development would not adversely affect the integrity of this European Site.

In particular, while the Natura Impact Statement states that the catchment zone or groundwater catchment zone for the petrifying springs within Knocksink Wood Special Area of Conservation lies outside the refined Action Area Plan (AA1) zone, as detailed in figure 2 of the Natura Impact Statement, it is considered that the submitted documentation does not provide scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based has not been supplied, and a conceptual hydrogeological model of the site of the proposed development, and its connection to the European Site, has not been provided. In the absence of mitigation, it is accepted in the Natura

Impact Statement that the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the qualifying interest habitats of Knocksink Wood Special Area of Conservation (which have a high sensitivity to changes in both ground and surface water levels). Without sufficient information to inform the design and management of surface water flows and infiltration, the Board cannot be satisfied that the proposed mitigation measures would remove the potential for impact on petrifying springs with tufa formations, which is a qualifying interest habitat of this European Site.

The Board, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Knocksink Wood Special Area of Conservation, in view of the site's conservation objectives and qualifying interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 15th November 2019 and a Notice of Pre-Application Consultation Opinion was issued on 4th December 2019 (ABP Ref 305558). An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission
 1. An updated Hydrological Assessment Report and Natura Impact Statement that satisfactorily addresses the points raised by the Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Services) in their submission dated 25th November 2019. In addition, the reasons for refusal and notes attached by the Board in the previous planning application should be satisfactorily addressed.

2. Updated Engineering Reports that satisfactorily addresses the points raised by the Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Services) and the reasons for refusal under the previous planning application.
3. Proposals for the long-term management and maintenance of drainage provisions to include the taking-in-charge of services in the development. The proposals should have due regard to section 180 of the Planning and Development Act, 2000 (as amended), the taking-in-charge policy of the planning authority and any relevant ministerial policies.
4. The submitted architectural design statement should address the creation of character areas within the scheme.

5.3. Applicant's Statement

- 5.3.1. The applicant has submitted a statement that sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development.

Item 1 - Updated Hydrological Assessment Report and Natura Impact Statement

- Hydro-Environmental Services (HES) have undertaken a revised Hydrogeological Assessment, in consultation with the National Parks and Wildlife Service (NPWS).
- An on-site meeting was held on the 14th January 2020 between the NPWS and applicant's design team and comments received on site were addressed in addition to the points in the NPWS letter of the 25th November 2019. Subsequently, a revised report was issued to the NPWS and the report has been finalised to address some minor comments received.
- Page 7 (Section 1.1) of the Hydrogeological Assessment Report specifically notes where the points raised in the NPWS letter of the 25th November 2019 are addressed. The Hydrogeological Assessment Report develops a conceptual model, and defines the springs catchment based on detailed analysis, providing the scientific data to support the proposed development. Detailed mitigation measures which are set out in the application are committed to be adhered to

ensure there is no adverse affect on the integrity of the SAC, beyond reasonable scientific doubt.

- The HES report concludes that there will be no diversion of groundwater flow from the sand and gravel layers within the updated ZoC/any minor diversion of groundwater flow (through the local diversion of recharge) within the development site will not alter the prevailing groundwater flows within the updated ZoC areas.
- Standard environmental drainage controls are included in the drainage design/will ensure the development will not give rise to any significant groundwater quality impacts at or downstream of the site, including groundwater feeding towards Knocksink Wood SAC.
- The Natura Impact Statement prepared by Scott Cawley, informed by the HES Report, concludes: that the proposed development will not adversely affect (either directly or indirectly) the integrity any European site, either alone or in-combination with other plans or projects, and there is no reasonable scientific doubt in relation to this conclusion.”
- Submitted that the previous reason for refusal has been comprehensively addressed.

Materials and Finishes

- The materials and finishes have been revised since the previous refusal, with a simple palette of materials proposed.

Permeability and Adjoining Lands

- The proposed site layout has been designed in such a manner to facilitate future development on the remaining lands.
- The proposed layout does not prevent any future development on the lands in separate ownership, and in fact, facilitates them.

Material Contravention

- A separate Material Contravention document setting out the justification of the development in the context of Section 37 (2)(b) of the Planning and Development Act, 2000, as amended, is submitted as part of this application. I have considered same in the relevant section below.

Item No. 2 – Updated Engineering Report

- An updated Construction and Waste Management Plan prepared by Waterman Moylan is submitted as part of this application, which references the mitigation measures proposed in the Hydrogeological Assessment Report for consistency in addition to other construction related mitigations for the construction process, not directly related to the protection of the conservation objectives of the SAC.
- A revised Engineering Assessment Report is submitted as noted below in response to Item 3/sets out the details of the proposed maintenance and management of the drainage proposals which were queried in the previous submission by NPWS/The drainage proposals are designed to the taking in charge standards and best practice SuDS Guidelines.

Item No. 3 –Management of Services

- A revised Engineering Assessment Report by Waterman Moylan has been prepared/The proposal has been designed to be in accordance with these provisions and a detailed management regime for the management and maintenance of the systems proposed is included in Section 3.8 of the Engineering Assessment Report/The developer will request the taking in charge of the development (see Taking in Charge Architectural Drawing for the overall proposal) in accordance with the provisions of Section 180 of the Planning and Development Act 2000, as amended and the Wicklow County Council Taking in Charge Policy.

Item No. 4 – Character Areas

- An updated Architectural Design Statement is submitted as part of this application, with the creation of character areas being addressed in Section 2.6 of the report.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

Other relevant national guidelines include:

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

6.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

Enniskerry lies within the Core Region as defined in the RSES-EMRA. Within the RSES-EMRA this is described as ‘home to over 550,000 people, includes the peri-urban ‘hinterlands’ within the commuter catchment of the Dublin metropolitan area, which extends into parts of the Midlands, Louth and beyond the Region into Wexford, with some of the youngest and fastest growing towns in the Country’.

Relevant objectives within the RSES-EMRA include:

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES-EMRA.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES-EMRA.

6.3. The Wicklow County Development Plan 2016-2022

The core strategy designates Enniskerry as a small growth town with a projected population of 2,302 persons in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal District Plan 2018-2014. The view north

from the Glencree Road is protected prospect 5 in the development plan – Glencree Road towards Carrigollogan.

6.4. Bray Municipal District Local Area Plan 2018-2024

6.4.1. This plan includes Enniskerry within its area. Chapter 3 deals with residential development with Policy R1 requiring all housing development accord with County Plan requirements. Enniskerry specific housing objectives are R6 and R7 which state that maximum size of any single housing estate should be 60 units and that a full range of units sizes including 1 and 2 bedroom units shall be provided in all new housing areas with no more than 50% of the units in any development have more than 3 bedrooms or 125m² of floor area. Parknasilloge is defined as Action Area Plan 2 and is designated as a priority employment area for Enniskerry with polices EE1 and EE2 specific to Enniskerry referring to the provision of c.1ha of employment lands in AA2. Chapter 10 outlines key areas for AAP2 including that 2ha of the area shall be reserved for active open space (equivalent to the GAA pitch), 1 ha for employment uses, 1.2 ha for education use and 0.4ha for community uses including a community centre of at least 500m² with a playground of at least 400m². A maximum of 156 houses shall be provided on the rest of the area. Only 2 vehicular access points shall be allowed onto the Glencree Road.

6.5. Action Plan 2 (non-statutory)

6.5.1. The prospective applicant submitted a draft action area plan to the planning authority in February 2017 which was agreed by the Council on 14th November 2017 subject to phasing controls with Phase 1 providing 50% of residential units (max. 78), school site unless the Department confirms in writing it is not required and a Village Green. Phase 2 requires employment uses, additional 75% of residential units (58) and community uses including community centre with Phase 3 the remaining residential (20). This AAP has since been amended to suit the design proposal and approved by the Council in 2019.

6.6. Applicant's Statement of Consistency

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016 and I have had regard to same.

6.7. Applicant's Material Contravention Statement

6.7.1. The applicant has prepared a statement to provide a justification for the material contravention of the Bray Municipal District Local Area Plan 2018-2014, briefly summarised as follows:

Density

- In the context of section 28 guidelines the density and number of residential units above that set out in the Local Area Plan is appropriate. The proposed development provides for 219 residential units on the subject lands within the Action Area lands, at a density of 30.5 units per hectare gross (I note that other documents refer to this figure as 'net'). The proposed density is also in accordance with Section 28 Guidelines of 20-35 units per hectare in such locations and the broad aims of the NPF.
- Table 3.2 of the LAP sets out that there is the potential for 475 residential units to 2024 (the lifetime of the LAP) in Enniskerry. The subject proposal would represent 46% of the potential residential units in Enniskerry. Note that the densities prescribed in the LAP are not reflective of the aims and objectives of the National Planning Framework and Section 28 Guidelines.
- The Action Area criteria of 20 units per hectare is relatively low having regard to the 20-35 guideline range in the Guidelines of national policy. The location of the subject site is in a transitional location between the built up area of Enniskerry village and the western edge of the village. The proposal constitutes in excess of 20% of the total new planned housing stock set out in the core strategy allocation for Enniskerry and therefore does not fall under the criteria to be considered under Section 6.12 of the guidelines (to offer an alternative to single houses in the countryside). The development falls into the density requirement of 20-35 units per hectare, in accordance with the Guidelines.
- This density provides a balance between the ecological and visual considerations and objective of the National Planning Framework for compact growth of existing settlements. The proposed density is within the guidelines whilst also providing for a layout which is appropriate for the subject site.

Core Strategy and Phasing

- May be considered a material contravention in terms of the number of units being delivered (compared to the specified number of units for AA2 set out in the previous section) and the overall zoned residential land in Enniskerry.
- The subject proposal at 219 residential units would represent 34% of existing housing stock (2016) and 46% of required housing stock to 2025.
- The proposal may be considered a Material Contravention with respect to Phasing.
- Action Area 2 objectives includes a phasing provision: “The development shall be delivered in phases such that adequate education, community and employment facilities are provided for each phase; in particular, the school site shall be provided in Phase 1 accompanied by no more than 50% of the residential development and the employment facilities shall be provided no later than Phase 2 accompanied by no more than an additional 75% of the residential units.”
- The proposal comprises a Strategic Housing Development and therefore the extent of non-residential development is limited/confirmed in the letter from the Receiver of the subject lands (Appendix 4 of the Statement of Consistency) that these lands allocated to educational use and community use would be made available to the Department of Education and Wicklow County Council at any stage and therefore the proposal is compliant with the phasing strategy/as these lands are made available in Phase 1/with the employment uses, the Receiver is making the employment lands available to developers and it is considered such uses will be delivered when viable.
- It is submitted that the proposed development is, by definition, strategic in nature and of strategic importance.
- The Rebuilding Ireland Action Plan, and consequently the 2016 Act, recognise the strategic importance of larger residential developments (including developments of over 100 residential units) in addressing the ongoing housing and homelessness crisis, in an effort to increase housing supply.
- Submitted that the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy for the EMRA, guidelines published under section 28 of the Act, and other relevant policies of the Minister for Housing, Planning,

and Local Government all support the delivery of the proposed development, notwithstanding the phasing objective and core strategy.

- The NPF supports the provision for planned growth at locations which are equipped to sustain such development. The NPF favours compact development within urban areas and provides that where the expansion of settlements takes place it should be delivered in a sustainable, compact manner. The proposed development constitutes an efficient use of lands which are zoned for residential development.

7.0 Third Party Submissions

- 7.1.1. 82 number of submissions have been received. The issues raised are summarised below:

Principle/Zoning/Density/Phasing

The proposed development is in excess of that agreed in the Action Area Plan, 20 units per hectare and goes against national guidelines and the National Planning Framework; Overdevelopment;

Increased density and residential yield cannot be at the expense of future residential development of the remaining zoned land within AA2; Does not comply with Action Area Guidelines; Alterations to the approved Action Area Plan – not consented to/agreed; Downgrading of the density of character area 5 is contrary to national guidelines

It cannot be assumed that the previous material contravention statement was accepted; CDP land use zonings do not identify possible infill site – undue focus on development of peripheral greenfield sites; Settlement boundary of Enniskerry is open to question; Materially contravenes National Planning Guideline; Proposed developments fails on almost all fronts when subjected to the Asset Test as recommended in the NSS; Development would seem in excess of the population target

Contravenes Local Area Plan; Material contravention of the statutory planning documents; Counter to NPF/NDP – both of which emphasise compact growth

Site is located at the furthest western periphery of both Enniskerry Village and also the Bray Municipal District.

Board must consider the issue of material contravention de novo; Does not meet the criteria in Section 37(2)(b) the proposed development is in excess of that agreed in the Action Area Plan, 20 units per hectare and goes against national guidelines and the National Planning Framework; Enniskerry does not have the capacity to absorb the scale of development from a social infrastructure point of view.

Inappropriate location, scale, density, height and layout; Location is not in a built-up area and should not be considered 'an urban development'; Contrary to guidance as set out in the Sustainable Residential Development in Urban Areas May 2009.

Encourage rezoning of the site; WCC may have erred in its zoning of the lands

Proposal is inconsistent with existing planning precedent and nature of developments in the area

EIAR/AA/Ecology

Question the requirement for an EIAR, in particular the assessment of cumulative impact of other developments; Project splitting/developer has other landholdings; EIA screening relies on mitigation measures in the NIS.

Zone of Contribution (ZOC) to the tufa springs is potentially at risk by the proposed development and the ZOC has been underestimated and in all probability extends beneath the subject site. The complexities of determining a ZOC in sand and gravel-fed springs is highlighted and points to the fact that geophysical surveying was not carried out. The lack of an assessment of topsoils, or variable subsoils, as contributors to the emergent groundwater hydrochemistry is referred to and the use of soakways that will bypass these soils is referred to. It is contended that the soakways are not designed in accordance with standards.

All potential impacts of the AAP should be considered at this stage; Currently 15 cases taken against Ireland at the ECJ; Cumulative Impacts and In-Combination Impact; Applicant has omitted one of the qualifying interests of Knocksink SAC entirely from its Natura Impact Statement and relies on outdated data to describe the habitats and their conservation status.; Impact on Knocksink Wood SAC

Have not demonstrated beyond reasonable doubt that there will be no impact; Uncertainties in relation to the impact on the tufa spring; Footfall damage, fly tipping (invasive species) and other damage.

Applicants fail to identify full extent of the protected habitats – no mention is made of Old Sessile Oak Woods with *Illex* and *Blechnum* in the British Isles (91A0) – This was included as a QI for Knocksink in the Natura 2000 Updated Form; Source used to describe Knocksink Standard Data Form from 2017 and not the updated form; Not all of the impacts have been identified; No way of ensuring compliance with mitigation measures designed to reduce anthropogenic impact

Loss of trees; Impacts on ecology

Some of the valley slopes are populated by sessile oak and petrifying springs; Negative impact on the Conservation Area; Knocksink Woods are dedicated a Nature Reserve

Open space and portion of woods owned by the Developer should be offered to either WCC or NPWS to develop as an amenity

Reference is made to relevant case law including *Connelly V An Bord Pleanala*, *Holohan & Otrs V An Bord Pleanala*; *Fitzpatrick V An Bord Pleanala*; There are significant lacunae/deficits in the applicant's NIS and accompanying hydrology reports

Landscaping (use of roundup/acidic soil) has potential to impact on the springs; The introduction of invasive species could affect the conservation objectives.

AA omits to mention the lands adjacent to the site which have been marked for approximately 27 houses/other developments have not been considered/permission for the infill of 18,756 cubic m of soil to the north of the proposed development/will take soil and stone from this site.

Possible that development of the site may never be capable of satisfying the requirement of Article 6.3 of the Habitats directive.

Previous refusals by the Board have taken account of the landscape and views; Pollution from construction traffic; Enniskerry is classified as an Area of Outstanding Natural Beauty; Negative impacts on landscape.

Traffic and Transport

Not possible to meet the standards in DMURS – DMURS standard for local roads is 6m; Footpaths do not meet width standard; Residents will be completely car dependant; Inspector Report 30403A7 – states most journey will be car borne.

Cumulative impact on traffic; Developer proposes removal of street parking – housing in the village is reliant on street parking to the front; Lack of parking in the village.

All traffic from AA2 lands must travel to the M11/N11 via Enniskerry Village; development will lead to increased traffic volumes that local roads cannot accommodate; Refusal by An Bord Pleanla of a recent planning application at Fassaroe cited the capacity of the M11 as an issue.

Insufficient space to upgrade the existing footway; pedestrian environment and road alignment are substandard; Gradient of the existing hill

Public transport in the area is poor.

Roads access as previously proposed allow the school and community crèche sites to be provided

Need for upgrades to the N11; No accessible parking shown; Walking routes should be developed; Impacts from car movement; Pedestrian and cycle links to the town are quite poor; Over 75% of existing residents work or study away from the village; Priority should be to improve pedestrian and cycle access to Enniskerry

Entrance to the proposed development is approximately 1.7km from the village core; Opportunity to open up pedestrian link to Knocksink as per Green Infrastructure Objective 5

Design/Layout/Height

Impact on existing village character; Visual amenity – the Glencree Road acts as a tourist route into the Wicklow Mountains, the proposed development will be urban in character and diminish the amenity of this route. The proposed building heights are at odds with adjacent development/impact on views; Design of the proposed dwellings is inappropriate; Three bed duplex apartments with stair access only makes them unsuitable for families; Two bed own door unit unsuitable for people with disabilities; Less than 25% of the dwellings meet Universal Design Guidelines; Contravenes Planning Guidelines

Residential Amenity

No existing wall on the boundary of property/proposed plans show a wall; Boundary treatment is not compatible; Wall would impact light to property/sheds would also block light; Balconies of duplex units would overlook the back garden; Impact of construction noise on residents; Impact of apartment blocks on residents of Parc na Sillogue Court; Overshadowing; Impacts of current construction site at Sika Woods

Social Infrastructure/Amenities

Not as close to amenities or schools as the developer's claim; reported distances are from the village centre; Absence of local infrastructure/capacity of schools; Enniskerry does not have the capacity to absorb the scale of development from a social infrastructure point of view; Revised location of the enterprise and community use seems to be unsuitable due to its topography and as it is within the ZOC catchment area; Enniskerry has limited employment opportunities; GAA pitch is now landlocked – no option to expand; Membership will grow with associated demand for space; Previous developers have worked with the GAA club to ensure needs of the club were met/included new and upgraded amenities; Insufficient services in Enniskerry; Enniskerry does not have the capacity to become an urban area; small town; Impact of Fassaroe New Town; will impact on school capacity; Essential that services are provided for this development to safeguard services in Bray and Shankill; No social or community elements with the development apart from the crèche; Little community gain associated with the development; Development adds no additional Public Open Space; National school is needed; Public open space is located to the rear of the development; Crèche will serve the development only; No plans by WCC for creation of community facilities.

Site Services/Flooding

Surface run off is indicated as running towards adjacent sites at Street 6 & 9; should be contained within the development; Flooding impact; Site is not serviced land; Capacity of the wastewater treatment plant; Existing water and effluent issues; After the development of the Eagle Valley development in Powerscourt, residents on Church Hill experienced flooding; Infrastructure upgrades as proposed by the Developer are not possible; Strain on local water resources.

Other

No consultation with adjoining landowner; Detrimental impact on the value of land; Errors in the application; Damage caused by developments currently under construction; No consideration of greenways/off road cycle/water attenuation rain harvesting/biicycle; Submission of application during a pandemic is inappropriate; No social housing element as part of the plan; Impact on rights of way; Site could be used a public amenity; Development contribution should be requested; Need for social and affordable housing in the area; Site is described as being at 'Killgannon Hill' rather than 'Kilgarron Hill' on ABP Website – making the search for the development on the ABP website impossible; Application should be deemed invalid – misleading information in the application form; Land ownership issues.

8.0 Planning Authority Submission

The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 15th July 2020.

The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Core Strategy – Enniskerry is designated a Level 5 small growth town, with population target of 2,302 by 2022, a growth of 413 persons and a housing stock increase of 472 units. The application site has been allocated 129 units, the proposed development will absorb 46% of the required housing stock for the village. Taking account of the current extant permissions within the settlement, the quantum of residential development proposed would be in line with the future needs of the settlement. However it is considered that the applicant has failed to adequately demonstrate how the development of this site as proposed would impact upon the development potential of the remaining lands within the settlement.

Action Area – Action Area 2 Parknasilloge was agreed by Wicklow County Council on 27 March 2019.

Sets out a general strategy for the development of the lands.

Objectives relate to land use, the delivery of schools and car park.

Proposed scheme does not take cognisance of this approved Action Area Plan

- 219 unit is in excess of that permitted.

- Phasing plan fails to demonstrate that the proposed residential development is to be linked to the provision of physical and social infrastructure and employment/does not comply with the controls specified in the approved action area plan.

Zoning Objectives -there are three zoning objectives set out in the Bray MDP as follows: R20 New Residential, E1 Employment and CE Community Educational. The boundaries of these land use zonings are indicative and to be refined by the Area Plan process.

Action Area Plan 2, approved in 2019, allows the relocation of land use zonings subject to phasing.

The proposal to provide entirely residential development on the lands outlined in red by the applicant is acceptable in principle.

However the proposed scheme fails to meet the requirements of the Action Area Plan and therefore the development of these lands as proposed would be contrary to the zoning objectives of the Bray MDP.

Intensity of Development

The proposed scheme provides c9,100 sq. m. of development floor area above what is permitted on site, this equates to c73 no. units in excess of that allowable.

Density of the proposed development far exceed the maximum permitted density on these lands and therefore the proposed development would materially contravene the zoning objectives for the area.

The density of development would be out of character with the established patten and character of development in Enniskerry.

Phasing – the proposed phasing fails to accord with that approved in the Area Plan and will not provide the physical and social infrastructure necessary.

Would be contrary to the objectives of the Bray Municipal District Plan.

Infrastructure, Roads and Pedestrian Facilities – technical amendments and additional details are required by the planning authority, these can be achieved by condition.

Public Lighting – details to be submitted.

Parking – A shortfall in car parking has been identified for the residential component of the development, 375 spaces proposed, 389 required. Given that the proposed development will be heavily car dependant, development plan standards should apply.

Layout/Design/Visual Amenity

Layout is generally acceptable.

However, the residential density is out of keeping with the established character of the development.

New development should complement the character of the existing settlement and its surrounding area

Omission of brick is considered an appropriate modification from the previously proposed SHD

Three storey development along the public road is out of character with the area

Listed views will be impacted upon/may be an unavoidable consequence of the development of these lands as envisaged in the LAP

Housing mix is broadly acceptable, however larger three bedroom bungalows should be provided.

Childcare – minor technical amendments are requested.

Open Space – generally acceptable/public open spaces should be designed to ensure usability in terms of gradient, accessibility etc

Part V – subject to agreement.

Services - acceptable subject to technical agreement.

Impact to Adjoining Properties – none anticipated, construction activity should be appropriately managed.

AA – An NIS has been submitted, An Bord Pleanála is the competent authority in this instance.

Summary of the View of Elected Members

A summary of the views of the Elected Members of the Bray Municipal District (meeting held 16th June 2020) is set out in Section 4.0 of the Chief Executive's

Report. The main issues related to; traffic/road/pedestrian infrastructure, public transport, lack of services/infrastructure in Enniskerry, density of the development which was considered to be too high, height was considered to be too high; An EIAR should be carried out, impact on Knocksink Wood, contrary to zoning and LAP, affordable housing/access/impact on Parchnasilloge Court.

Chief Executive's Recommendation

Section 5 of the Chief Executive's Report sets out the Chief Executive's Recommendation and it is stated that the scheme as current proposed is not recommended for the reasons I have summarised below:

- Would materially contravene the objective set out in the LAP for the development of lands with Action Area 2
- Scale far exceeds the maximum permitted density
- Phasing plan is inadequate/not linked not to physical and social infrastructure necessary.
- Relocation of land use zonings subject to compliance with the Approved AAP, March 2019/Proposal fails to comply with AAP/Development of these lands for residential purposes would be contrary to the zoning objectives for the site.
- Would be out of keeping with the established pattern and character of development in Enniskerry.
- Lack of necessary infrastructure and services
- Lack of employment opportunities and services in the area

Section 6 of the Chief Executives Report sets out recommended conditions in the event that the Board decides to grant permission. Those of note include:

- Condition 1 – Detailed phasing requirement
- Condition 2/3/4 – Road Safety Audit/Pedestrian Facility Upgrades/Road Design

Interdepartmental Reports

Engineers Report

- Existing road provides a poor connection to village/severe gradient/deficient footpath/no cycle facilities/inadequate drainage/lighting.

- Proposed upgrades fails to identify inadequate width of existing footpath on L1011.
- Special contribution required to provide adequate standard footpath/public lighting upgrade.
- Open space clearly delineated/measures to prevent parking on road edge
- Adequate sight distances should be provided for.
- Stormtech/tanks that allow infiltration shall be preceded by petrol interceptors and sump/catchpit manholes
- Other conditions recommended.

9.0 Prescribed Bodies

Irish Water (IW) - A confirmation of Feasibility for 185 units has been issued to the applicant. At Pre Consultation it was identified that this is a standard connection requiring no treatment plant upgrades for water or wastewater.

Due to the increase in the number of units, to a total of 219, it is envisaged that local water network upgrades may be required to cater for this development. However, no third party consents will be required to facilitate these local works. These upgrade works, if any, will be determined at connection application stage via a pressure & flow test on the existing water network to confirm capacity.

The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development

A standard condition is recommended.

9.1.1. Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) NPWS

- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU)**

Archaeology - development site is located directly south-west of Recorded Monument WI007-021 megalithic tomb and north of WI007-086 barrow, within a landscape that contains a reasonably high distribution of recorded

monuments/concurs with the findings and recommendations outlined in the Archaeological Impact Assessment report/suitable condition should be attached that reflects the detailed requirements of the Department.

- **Nature Conservation** - detailed and lengthy pre-planning consultation have taken place between NPWS and the project's proponents/Hydrogeological Assessment Report is a great improvement on previously presented reports/provides a much better understanding of the hydrogeology of the area in question/satisfied that the northern springs are unlikely to be impacted by the proposed site development/in agreement with the conceptual model that the tufa springs are maintained primarily by shallow groundwater flows through the subsoils/backed up by hydrochemical and water level results as outlined in the above-mentioned report.
- Still uncertainty regarding the catchment area or Zone of Contribution (ZoC) to the eastern springs/not beyond scientific doubt that the ZoC extends to within the proposed development area/The hydraulic gradient of the shallow groundwater wells indicates the groundwater flow direction is from the development site to the springs/must be assumed that recharge to the eastern tufa springs is contributed to from an area within the development footprint/critical that storm and surface water at the site is recharged back to the groundwater system within the local area to maintain the existing groundwater regime/proposed project has been designed such that all storm water is recharged on site. A series of infiltration areas/SuDS measures is proposed to recharge rain water back to groundwater on the site.
- Provided that the SuDs system is constructed and operated in strict accordance with the design and management details the Department is satisfied with the conclusion in Section 6.5.1. of the Hydrogeological Assessment Report that "overall, there will be no net reduction in groundwater recharge or groundwater flow as a result of the proposed development".
- Advises that all the mitigation measures to address potential impacts to water quality during construction outlined in Section 6.3.1 of the Natura Impact Statement/measures in the Hydrogeological Assessment Report and in the preliminary Construction and Waste Management Plan (CWMP) should be

included in full in the final CWMP/measures should be strictly adhered to and implemented in full.

9.1.2. **An Taisce**

- Was previously refused on AA grounds/Screening for location sensitivity impacts and cumulative impacts is required/this site is 8ha/accommodation arrangement with adjoining site of 2ha.
- Concerns in relation to archaeology/compliance with plans and guidelines; transport issues, social infrastructure, impact on character of village. Traffic impact.

9.2. **Inland Fisheries Ireland**

- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface water systems.
- All construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP).

9.2.1. No comments were received from The Heritage Council and the Wicklow County Childcare Committee.

10.0 **Environmental Impact Assessment (EIA) Preliminary Assessment**

10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Report (dated May 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

10.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 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.
- (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded in the first instance that there is no real likelihood of significant effects on the environment

10.5. The proposed development involves 219 residential units and a childcare facility on a site of 8.179ha. The site is located on the edge of a town and is below the threshold of 10 ha for such a location. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

10.6. It is not a large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The site is zoned for residential development. The development will be connected to the surrounding foul and water utilities and treated to the appropriate standards. Surface water is proposed to be directed to soak pits to maintain the level of greenfield run off. The subject site within 200m of the Knocksink Wood SAC and a Natura Impact Statement is submitted. The impacts on same are considered therein.

10.7. Having regard to;

- a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,

- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

11.0 Appropriate Assessment

11.1. Appropriate Assessment (AA)

- 11.1.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Screening Report & Natura Impact Statement (NIS), prepared by Scott Cawley dated 12th March 2020. I have also had regard to other relevant documentation on file, including the Hydrogeological Assessment Report, prepared by Hydro-Environmental Services (dated 7th April – hereafter referred to as the HES Report), the Construction and Waste Management Plan (Issue 4), prepared by Waterman Moylan Consulting Engineers Limited (dated March 2020) and the Engineering Assessment Report (Issue 4), prepared by Waterman Moylan Consulting Engineers Limited (dated March 2020).
- 11.1.2. I have had regard to the submissions of Third Parties who have raised concerns in relation to the impacts on the Knocksink Wood SAC. In particular, it is stated that there are deficiencies in the NIS and the accompanying hydrology report, including reference to out-of-date sources of information, the omission of a Habitat of Qualifying Interest, namely 'Old Sessile Oak Woods with *Illix* and *Blechnum* in the British Isles (91A0)'. I note the submission of Robert Meehan, B.A, Ph.D., PGeo, a soil, subsoil and landscape geologist, which is discussed in further detail in the relevant section below.

11.1.3. I have had regard to the submissions of Prescribed Bodies including the submission from the NPWS, in relation to groundwater impacts on the tufa springs, from Irish Water in relation to foul water, from the IFI in relation to the protection of water quality.

The Project and Its Characteristics

11.1.4. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected (Stage I Screening)

11.1.5. Section 3 of the NIS sets out an overview of the proposed development and its receiving environment. It is noted that the lands within the proposed development site comprise the following habitats; Improved Grassland (GA1), Dry Calcareous Grassland – Improved (GSi1), Hedgerows (WL1) Moderate Value, Hedgerows (WL1) Poor Value, and Scrub (WS1). The NIS states that Knocksink Wood SAC lies ca. 80m northeast of the site (I have calculated a distance of c200m at the closest point) and the qualifying interests for this European site are two priority Annex I Habitats; Petrifying springs with tufa formation (*Cratoneurion*) [7220] and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]. This section of the report does not report that ‘*Old sessile oak woods with Ilex and Blechnum in the British Isles*’ is also a qualifying habitat of the Knocksink Wood, as reported in the Conservation Objectives Document for Knocksink Wood SAC [000725] as accessed on the NPWS website¹. This document is dated 7th April 2020 which post-dates the final draft date of the submitted NIS. The Statutory Instrument that relates to Knocksink Wood SAC is dated 8th March 2019 and refers to ‘*Old sessile oak woods with Ilex and Blechnum in the British Isles*’.² I note that the Standard Data Form in relation to this SAC also appears to have been updated on the NPWS website (as of September 2019) to make reference to additional habitat ‘*Old sessile oak woods with Ilex and Blechnum in the British Isles*’. This application was submitted to ABP on 22nd May 2020. I have set out my concerns in relation to this omission in the relevant section of this report below.

¹ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf

² <http://www.irishstatutebook.ie/eli/2019/si/93/made/en/pdf>

- 11.1.6. The NIS notes that a cluster of springs lie adjacent to the eastern side of the proposed development site as well as to the north of the site, which are a mix of calcareous tufa forming springs and non-calcerous springs.
- 11.1.7. The closest waterbody to the site is noted as being the Glencullen River which is located within Knocksink Wood SAC approximately 200m northeast of the proposed development site. In terms of groundwater the proposed development site is located with the Enniskerry Gravels groundwater body. The most recent groundwater status (2013-2018) is 'Good' and the vulnerability to human activity is 'high'. The bedrock aquifer is described as 'Local Important Aquifer – Bedrock which is Moderately Productive in Local Zones'.
- 11.1.8. The desktop study found no records of any species or habitats which are qualifying interests for European Sites within the zone of influence of the development.
- 11.1.9. The applicant's screening assessment notes the following designated sites within a 15 km radius of the development.
- Knocksink Wood SAC [000725]
 - Ballyman Glen SAC [000713]
 - Wicklow Mountains SAC [002122]
 - Bray Head SAC [000714]
 - Glen of the Downs SAC [000719]
 - Rockabill to Dalkey Island SAC [003000]
 - Carriggower Bog SAC [000716]
 - South Dublin Bay SAC [000210]
 - Glenasmole Valley SAC [001209]
 - The Murrough Wetlands SAC [002249]
 - Wicklow Mountains SPA [004040]
 - Dalkey Island SPA [004172]
 - South Dublin Bay and River Tolka Estuary SPA [004024]
 - The Murrough SPA [004186]

I have set out the same below and noted the distance from the site and qualifying interests of same.

Site Name (Code)	Distance from site	Qualifying Interests
SACs		
Knocksink Wood SAC (000725)	C200m (closest distance)	7220 Petrifying springs with tufa formation (Cratoneurion)* 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)* Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles'
Ballyman Glen SAC (000713)	1.8km	Habitats 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens
Wicklow Mountains (002122)	2.3km	Habitats 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry

		<p>heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>
Bray Head SAC (000714)	6.2km	<p>Habitats</p> <p>1230 Vegetated sea cliffs</p>

		of the Atlantic and Baltic coasts 4030 European dry heaths
Glen of the Downs SAC (000719)	7.1km	Habitats 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles
Rockabill to Dalkey Island SAC (003000)	8.8km	Habitats 1170 Reefs Species 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)
Carriggower Bog SAC (000716)	9.6km	Habitats 7140 Transition mires and quaking bogs
Glenasmole Valley SAC (001209)	11.4km	Habitats 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*

South Dublin Bay SAC (000210)	11.5km	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes
The Murrrough Wetlands SAC (002249)	12.9km	Habitats 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens
SPAs		
Wicklow Mountains SPA (004040)	2.8km	Birds A098 Merlin (<i>Falco columbarius</i>)

		A103 Peregrine (<i>Falco peregrinus</i>)
Dalkey Islands SPA (004172)	10.7km	Birds A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>)
South Dublin Bay and River Tolka Estuary SPA (004024)	11.5km	Birds A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna</i>

		<i>paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Habitats Wetlands
The Murrough SPA (004186)	13.9km	Birds A052 Teal (<i>Anas crecca</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla</i> <i>hrota</i>) A050 Wigeon (<i>Anas</i> <i>penelope</i>) A184 Herring Gull (<i>Larus</i> <i>argentatus</i>) A195 Little Tern (<i>Sterna</i> <i>albifrons</i>) A043 Greylag Goose (<i>Anser anser</i>) A179 Black-headed Gull (<i>Chroicocephalus</i> <i>ridibundus</i>) A001 Red-throated Diver (<i>Gavia stellata</i>) Habitats Wetlands

11.1.10. While the NIS notes that there is no set recommended distance for which European Sites are considered as being relevant, this distance was considered sufficient for the purposes of AA screening in this case as any European sites outside of the 15km distance do not have any hydrological or any other pathways to the proposed development sites (mainly because they are sited upstream and inland of the

proposed development or are located in separate water catchments). As such, the potential zone of influence of the proposed works is anticipated to be less than 15km and any likelihood of significant effects in relation to European Sites beyond 15km can be ruled out.

- 11.1.11. Table 1 of the NIS includes a discussion of any relevant source-pathway-receptor links between the proposed development and European Sites. In relation to Knocksink Wood SAC, it is noted that there is a potential hydrological link between the proposed development (both during construction and operation) and the Knocksink Wood SAC, by means of ground water and surface water runoff, either to the SAC or to the catchment zone for the tufa springs within the SAC, with potential significant effects arising from impacts on water quality and alterations to natural hydrology and hydrogeology with the subject lands, or the catchment zone for the tufa springs.
- 11.1.12. It is also noted that increased anthropogenic activity within the SAC could have a significant effect, including trampling within the Qualifying Interest habitats, littering, and the spreading of non-native invasive plant species into the woodland through the fly-tipping of garden waste.
- 11.1.13. Potential for significant effects on all other Natura 2000 sites listed above are ruled out having regard to either a lack of an impact pathway and/or the distance from the site to the Natura site.
- 11.1.14. In determining the Natura 2000 sites where there is potential for likely significant effects arising from this development, I have had regard to the scale and nature of the project, the proximity of the site to any Natura 2000 sites, and I have had regard to any hydrological or hydrogeological links to any Natura 2000 sites. I have been aided in this regard by the EPA Appropriate Assessment Mapping Tool³, as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, as well observations made on my site visit.
- 11.1.15. I have no reason to dispute the majority of the assertions as outlined in Table 1 of the NIS, save for the omission of the 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles habitat', which is a Qualifying Interest of the Knocksink Wood SAC (000725), and lack of discussion within the NIS regarding potential significant effects

³ www.epa.ie

on same. Notwithstanding this omission, I concur with the conclusions of the Screening Report, in that the only Natura 2000 site where there is potential for likely significant effects is the Knocksink Wood SAC, and that potentially significant risks to the European site (in the absence of mitigation) arise from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges, alterations to the natural hydrogeology and increased anthropogenic pressures associated with the proposed development. While not explicitly noted in the NIS, I consider that these potential impacts can be reasonably by applied to the 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles' habitat.

- 11.1.16. I note the Conservation Objective for the Knocksink Wood SAC is 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'.

AA Screening Conclusion

- 11.1.17. Likely significant effects on the Knocksink Wood SAC (000725) cannot be ruled out, having regard to the site's conservation objectives, and a Stage 2 Appropriate Assessment is required.

Stage 2 – Appropriate Assessment

- 11.1.18. The Qualifying Interests Knocksink Wood SAC (000725) are outlined in Table 1 above.
- 11.1.19. The Site Synopsis form for Knocksink Wood SAC (000725) (dated 23rd August 2019) as accessed on the NPWS website, describes Knocksink Wood in detail and notes that *inter alia* the steep sides of the valley are mostly covered with calcareous drift, and support extensive areas of woodland. The south-western end of Knocksink Wood comprises oak woodland which is dominated by Sessile Oak (*Quercus petraea*). A notable feature of the wooded slopes are the frequent and extensive springs and seepage areas, and there is tufa formation in several places. Associated with the springs and the river are stands of wet alluvial forest. These areas are dominated by Ash and Alder (*Alnus glutinosa*). This site contains a substantial area of potentially ancient woodland. It has one of the most diverse woodland invertebrate faunas in Ireland, including some wet woodland organisms which are threatened at an international level. Vertebrates noted in the vicinity include Red Squirrel, Badger, Rabbit and Deer. The woodland supports large populations of birds, including many

common passerines (Robin, Blackbird, Song Thrush, Wren, Chaffinch) and crows, such as Rook, Hooded Crow, Magpie, Jackdaw and Raven. Buzzard have been recorded in the area and Dipper are occasionally seen on the river. The importance of this site lies in the diversity of woodland habitats which occur. Three habitats listed in Annex I of the E.U. Habitats Directive, two of which have priority status (petrifying springs and alluvial woodland), occur at this site.

- 11.1.20. The NIS refers to a 2017 version of the Standard Data Form associated with Knocksink Wood SAC. This appears to have been updated on the NPWS website (as of September 2019) to make reference to additional Qualifying Interest 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles'. I note that this update appears to have occurred after the decision to refuse the previous SHD application on this site (ABP Reference 304034 – Refused on 3rd July 2019). The Conservation Objectives Document related to the SAC, as accessed on the NPWS website, is dated 7th April 2020, which post-dates the NIS drafting, but pre-dates the submission of the application. As such it is reasonable to expect that the application documents should reflect the updated Qualifying Interests of the Knocksink Wood SAC.
- 11.1.21. Section 5.1.2 refers to the Qualifying Interests potentially exposed to risk and refers to two qualifying habits, but not to the 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles'.
- 11.1.22. The applicant's report states that the two qualifying interest habitats that are referred to within the NIS , petrifying springs with tufa formations (*Cratoneurion*) and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*), would be potentially at risk from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges and alterations to the natural hydrogeology associated with the proposed development, if they were of a sufficient magnitude and duration to affect the ground and surface water quality or volume within Knocksink Wood SAC during either construction or operation.
- 11.1.23. Additionally, both habitats are potentially at risk of increased anthropogenic pressures associated with the proposed development, including the risk of trampling within the Qualifying Interest habitats (particularly along undesignated paths), littering, and the spreading of non-native invasive plant species into to the woodland through the fly-tipping of garden waste.

- 11.1.24. I note that the Board's previous reason for refusal referred specifically to the potential impact on petrifying springs with tufa formations (*Cratoneurion*) and the NIS considers this issue in particular detail, with reference back to the HES report.
- 11.1.25. Specifically in relation to Petrifying Springs, it is reiterated that the catchment zones/zones of contribution for the petrifying springs within Knocksink Wood SAC and the adjacent lands lie outside of the boundary of the proposed development site. However, as the catchment zones are within close proximity to the eastern and northern boundaries of the proposed development site, consideration must be given to the potential for surface water pollution, hydrological and hydrogeological alteration, and increased user pressure within the catchment zone as a result of this proposed development.
- 11.1.26. Table 2 of the NIS sets out the Qualifying Interests, Conservation Status and Conditions Underpinning Site Integrity for Knocksink Wood. It is noted that the current conservation status of the site's QIs are 'Inadequate' with reference to petrifying springs and 'Bad' with reference to alluvial forests. Conditions underpinning site integrity which are of relevance include water quality including nutrient levels, water clarity, sediment levels; surface and ground water quality; ground water abstraction; water levels and minimal levels of disturbance. There is no reference to Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles.
- 11.1.27. Table 3 of the NIS sets out Detailed Conservation Objectives for Knocksink Wood SAC in relation to a specific attribute, provides a measure and target. Targets include maintenance of habitat area and distribution and maintaining an appropriate hydrological regime.
- 11.1.28. Figure 3 of the NIS sets out Estimated Catchment Areas for Northern Springs (which is taken from the HES Report) and Figure 4 sets out an Updated Zone of Contribution to Eastern Tufa Spring (taken from the HES Report). I note that in relation to the previously refused application on this site, the reporting Inspector noted that there was disagreement between the NPWS and the extent and interaction between the 'groundwater catchment zone' delineated and consequently a lack of scientific certainty about the hydrogeology of the area. In relation to same, I note the submission of the NPWS in relation to this current application which states that the Department are now satisfied that the northern springs are unlikely to be

impacted by the proposed site development, and is in agreement with the conceptual model (as outlined in the HES report, that the tufa springs are maintained primarily by shallow groundwater flows through the subsoils, as supported by hydrochemical and water level results). However the Department considers that there is still uncertainty regarding the catchment area or Zone of Contribution (ZoC) to the eastern springs and state that it is not beyond scientific doubt that the ZoC extends to within the proposed development area. The hydraulic gradient of the shallow groundwater wells indicates the groundwater flow direction is from the development site to the springs. The importance of storm and surface water recharging back to the groundwater system is set out in the NPWS submission and in relation to same, the NPWS noted that the proposed project has been designed such that all storm water is recharged on site, and a series of infiltration areas/SuDS measures are proposed to recharge rain water back to groundwater on the site. The NPWS submission concludes that, provided that the SuDs system is constructed and operated as proposed, the Department is satisfied with the conclusion of Hydrogeological Assessment Report that "overall, there will be no net reduction in groundwater recharge or groundwater flow as a result of the proposed development". It is further stated that all the mitigation measures to address potential impacts to water quality should be included in full in the final Construction and Waste Management Plan and underlines the need to ensure that all these mitigation measures are strictly adhered to and implemented in full.

11.1.29. I have had regard to the HES report and note the contents of same here. Of particular note, within the HES report, is the Updated Zone of Contribution (ZoC) to Tufa Springs (Max and Extreme Max Catchments), as indicated in Figure O, and the Estimated Catchment Area for the northern springs as shown in Figure P. A Hydrological Conceptual Site Model (CSM) for the site is set out in Figure Q.

11.1.30. Section 6.5.1 refers to the potential for reduced Groundwater Flow towards Knocksink Wood SAC, and notes that the groundwater flow/volume impacts will not occur due to the prevailing groundwater flow direction at the development site and due the small catchment size for the tufa springs which largely fall outside of the development site. Best practice SuDs drainage design controls have been incorporated within the development.

The conclusions of the HES report are as follows:

- The proposed development will not alter the local hydrogeological regime, and therefore will not significantly interfere directly or indirectly with the updated ZoC of the eastern spring cluster in Knocksink Wood SAC.
- It has been demonstrated through illustrating the groundwater flow direction that much of the proposed development site lies to the west of any groundwater flowpath that leads towards the updated ZoC for the eastern spring catchment area.
- Concluded with certainty that there will be no diversion of groundwater flow from the sand and gravel layers within the updated ZoC/confident that any minor diversion of groundwater flow (through the local diversion of recharge) within the development site will not alter the prevailing groundwater flows within the updated ZoC areas.
- Standard environmental drainage controls are included in the drainage design and these will ensure the development will not give rise to any significant groundwater quality impacts downstream of the site, including groundwater feeding towards Knocksink Wood SAC.

11.1.31. In relation to the issue of impacts on the hydrological and hydrogeological regime, I note the submission from Robert Meehan, B.A, Ph.D., PGeo, a soil, subsoil and landscape geologist. This contends that the zone of Contribution (ZOC) to the tufa springs is potentially at risk by the proposed development and the ZOC has been underestimated and in all probability extends beneath the subject site. The complexities of determining a ZOC in sand and gravel-fed springs is highlighted and points to the fact that geophysical surveying was not carried out. The lack of an assessment of topsoils, or variable subsoils, as contributors to the emergent groundwater hydrochemistry is referred to and the use of soakways that will bypass these soils is referred to. It is contended that the soakaways are not designed in accordance with standards.

11.1.32. In response to same, I refer the Board to the submission from the NPWS has expressed general satisfaction with the contents of the HES report, although the NPWS do share the concern of Robert Meehan, that the ZoC for the eastern springs may, in fact, extend under the development site. The NPWS are satisfied, however, that subject to the mitigation measure being put in the place, including the proposed

SuDS measures, there will be no net reduction in groundwater recharge or groundwater flow as a result of the proposed development. In relation to the complexities of the site, the HES Report has developed a Hydrogeological Conceptual Site Model, as requested by the Board, and the NPWS has expressed satisfaction with same, and has not request further modelling, including geophysical modelling, as suggested in the Robert Meehan's submission. The impacts of the SuDs features in the Hydrologeolocal regime is considered in detail in the HES report. Conditions can be imposed to ensure that such features are designed in accordance with relevant best practices and standards.

11.1.33. Section 6 of the NIS sets out an Appraisal of Potential Impacts on European Sites and notes that that potential adverse effects on the site integrity of Knocksink Wood SAC (in the absence of mitigation) arise from potential accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges, alterations to the natural hydrogeology and increased anthropogenic pressures associated with the proposed development. The impacts as they relate to the construction and operational phase of the development are outlined. These are outlined in detail in the NIS.

11.1.34. In relation to construction impacts, potential impacts include accidental pollution incident and/or run-off of contaminated waters with subsequent impact on surface water and groundwater quality. Run off of sediment is also cited with impacts on water quality. Potential impacts during operation include alteration to natural hydrology and hydrogeology, and it is stated that, in the absence of mitigation, the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the QI habitats of Knocksink Wood SAC which have a high sensitivity to changes in both ground and surface water levels. For example, if surface waters within the subject lands are redirected away from their natural course, this could result in a decrease in the volume of water naturally flowing into the tufa spring catchment zone, which feeds the petrifying springs with tufa formations within Knocksink Woods SAC, and could result in the springs drying up. The NIS does note that some of the mapped springs are ephemeral in their baseline condition.

11.1.35. Further potential impacts arise from Increased Anthropogenic Pressures, Accidental pollution incident and/or run-off of contaminated waters and Run-off of sediment.

11.1.36. Mitigation measures to address the potential impacts identified above are set out in Section 6.3 of the NIS. These are detailed measures designed to address potential impacts on water quality during construction and operation, measures to address potential alterations to natural hydrogeology and hydrogeology during operation, and measures to address the potential for anthropogenic pressures

11.1.37. Specifically in relation to the potential impacts on natural hydrology and hydrogeology during operation, the NIS states that surface waters from the proposed development site will be collected, treated, and discharged within one of three catchments by means of a series of soakaways. Surface waters will be attenuated to restrict outflow to the equivalent of the existing agricultural runoff. The soakaway areas have been designed to mimic the natural site drainage to ensure that there will be no alterations to the natural hydrogeology and water is not diverted away from the tufa springs or their catchment zones. The conclusions of the HES report, which have been accepted by the NPWS, are reiterated and are as follows;

“We can conclude with certainty that there will be no diversion of groundwater flow from the gravel layers within the updated ZoC. We are also confident that any minor diversion of groundwater flow (through local diversion of recharge) within the development site will not alter the prevailing groundwater flows within the updated ZoC areas”.

11.1.38. Section 6.4 and 6.5 set out set out residual impacts and potential effects of the proposed development in combination with other potential sources. No adverse effects are identified.

11.1.39. I have concerns in relation to the lack of assessment as relates to Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles. It is of note that the Site Synopsis for Knocksink Wood SAC states that the south-western end of Knocksink Wood comprises oak woodland which is dominated by Sessile Oak (*Quercus petraea*). This is the area of the SAC that is in closest proximity to the development site. The lack of reference to this Qualifying Habitat within the Screening Report and the subsequent lack of assessment of potential impacts on same within the NIS is a significant and fundamental omission, in my view, and is represents a significant gap in the information provided. I do not consider that it is unreasonable to expect the application documents to have considered this Qualifying Habitat.

- 11.1.40. The Site Synopsis Form for Knocksink Wood (SAC) states that a significant area (9.66 Ha) is covered by Old sessile oak woods with *Ilex* and *Blechnum*. Threats and Pressures associated with the Knocksink Wood Site (though not explicitly this habitat type), as detailed in the Site Synopsis Form, include artificial planting on open ground (non-native trees), missing or wrongly directed conservation measures, invasive non-native species and human related activities. While it could be argued that the mitigation measures set out in the NIS could also mitigate impacts on this habitat type, without an adequate discussion in relation to the extent and nature of this habitat type within the NIS, potential impacts on same and any mitigation that is required, it is not possible to rule out significant impacts on same, and it is my view that the NIS is therefore fundamentally flawed as a result of this omission.
- 11.1.41. In relation to the impacts on the remaining habitats of qualifying interest, petrifying springs with tufa formations (*Cratoneurion*) and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*), I am satisfied that industry standard mitigation measures can eliminate impacts related to accidental pollution incident and/or run-off of contaminated waters and run-off of sediment. These should be outlined in a Construction Method Statement, to be agreed by way of condition. Specific Measures, in particular related to the protection of the groundwater regime, including groundwater levels, flow and quality, as outlined in preliminary Construction and Waste Management Plan (CWMP), HES Report and the NIS, will ensure that there will be no contamination to ground water during operation and no significant impacts on ground water levels during operation. Standard SuDS measures are proposed including the use of permeable paving, filter drains, storage tanks with flow devices and soakaways. The SuDS measures will ensure that surface waters during operation are treated so that any pollutants are removed before the water outflows (controlled outflow) to the soakaway areas.
- 11.1.42. Measures to address the potential for increased anthropogenic pressures are set out in Section 6.3.4 and include *inter alia* planting of native species and a pre-construction invasive species survey. Measures to eradicate and/or remove known invasive species on the site are set out. These measures adequately address any potential impacts arising from increased anthropogenic pressures in my view.

In-Combination Impacts

- 11.1.43. Section 6.4 and 6.5 set out set out residual impacts and potential effects of the proposed development in combination with other potential sources. No adverse effects are identified.
- 11.1.44. In relation to same I note that there are no capacity issues with the Enniskerry Waste Water Treatment Plan, which has a capacity of 6,000 P.E. with a collected loading of 2,699 P.E. The total P.E. for the proposed development and for proposed future developments within the AA2 zone is cited as 1,152.5, so this development and future developments within the AA2 area will not result in capacity being exceeded.
- 11.1.45. As raised by Third Parties, there is no discussion of the in-combination impact of the development to the north of the site, as relates to a proposed Waste Facility to the north of the site. I note however that there is little information on same submitted by Third Parties, and no accessible information on same on the Wicklow County Council website. The information on the site notice related to same which is positioned close the entrance of the subject site states that it is proposed to import c18,000 cubic metres of soil and gravel to a 1.3 Ha site for re-profiling and re-contouring purposes.
- 11.1.46. While I am satisfied that, subject to the mitigation measures set out in the application documents, significant impacts on two of the qualifying interests associated with Knocksink Wood SAC, tufa formations (*Cratoneurion*) and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) will not occur, and therefore there will be no in-combination impacts on same, I am not satisfied that significant impacts on the remaining qualifying interest, Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles, will not occur either individually as a result of this development, or in-combination with other developments, including the waste management facility referred to above.

AA determination – Conclusion

- 11.1.47. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement as relates to a Qualifying Interest of the Knocksink Wood SAC, namely 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles', and in relation to the potential in-combination impacts of the proposed waste management facility in the vicinity of the site, I am not satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect

the integrity of the Knocksink Wood SAC, in view of the site's conservation objectives. In such circumstances, it is my view that the Board is precluded from granting permission.

12.0 **Assessment**

12.1.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of development
- Residential Amenity
- Layout and Open Space
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Water Services
- Archaeology
- Other Matters

12.2. **Principle of Development**

12.2.1. I note that the principle of development, having regard to overall compliance with the zoning objectives pertaining to the site did not form a reason for refusal, in relation to the previous SHD application on this site (ABP Ref 304037-19).

12.2.2. The subject site is located on lands subject to three land use zonings, as follows: residential, employment and community/education as outlined in the Bray Municipal District Plan (MDL) 2018-2024 (Map 3 – Enniskerry). As per the previous application, the majority of residential units are located on lands zoned R2: Residential - To protect, provide and improve residential amenities at a density up to 20 units/ha. The E1 Employment and CE Community and Education zonings are located on the south eastern portion of the site, housing and a creche are proposed here.

12.2.3. The entire site falls within Action Area Plan 2: Parknasilloge. Chapter 10 of the Bray Municipal District Local Area Plan 2018-2024 (hereafter referred to as the LAP) states that the position, location and size of the land use zonings shown on plan

maps 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 for the Action Area Plan.

- 12.2.4. The LAP further states that separate planning applications for sections of each Action Area Plan will not be considered until an overall Action Area Plan has been agreed in writing with the Planning Authority. The LAP outlines a number of strategic objectives for the AA2 area, based upon the division of land use zonings, phasing, quantum of development and environmental considerations, having particular regard to the ground-water dependant habitat of Knocksink Wood SAC.
- 12.2.5. In this instance the applicant has prepared 'Action Area Plan 2 – Parknasilloge February 2019', which was agreed by Wicklow County Council on 27 March 2019. which has *inter alia* indicated altered land use zonings, such that the entirety of this residential proposal lies within the residential zoned lands.
- 12.2.6. In their submission, Wicklow County Council acknowledge this agreement. However, it is also stated that the scheme as submitted does not take cognisance of this approved Action Area Plan, and that the 219 units is in excess of that permitted. It is further stated that the phasing plan fails to demonstrate that the proposed residential development is to be linked to the provision of physical and social infrastructure and employment. As such the proposal does not comply with the controls specified in the approved action area plan. Wicklow County Council further state that while the proposal to provide entirely residential development on the lands outlined in red by the applicant is acceptable in principle, the proposed scheme fails to meet the requirements of the Action Area Plan, and therefore the development of these lands as proposed would be contrary to the zoning objectives of the Bray MDP. I note that Wicklow County Council were also of this view in relation to the previous application on this site (ABP Ref 304037).
- 12.2.7. Appendix 2 of the applicant's Statement of Consistency contains a legal opinion from Eamon Galligan, Senior Counsel, in relation to the issue of zoning of the application site. I note that this opinion was also submitted as part of the previous SHD application on this site. This opinion makes reference to a previous decision made by the Board in relation to an SHD proposal in Bullford, Kilcoole (APB Ref 302552) which was refused for 3 reasons, one of which referred to residential units proposed

on lands not zoned residential. That site was also subject to 'indicative zoning', similar to this site. The legal opinion concludes that the effect of an indicative zoning, such as on this site, is the same as if the entirety of the AAP2 area had a single mixed zoning objective, which was primarily residential, and that the proposal therefore constitutes SHD, falling within category (a) of the definition under Section 3 of the 2016 Act.

12.2.8. A number of the Third Party submissions have stated that the proposal is material contravention of the statutory planning documents as relates to the area.

12.2.9. In terms of compliance with the zoning of the site, the Planning Authority has accepted that the Statutory Plan, the LAP, that relates to the area, allows for the reconfiguration of the zoning objectives within the LAP Area, and do not raise any objection to the principle of residential development on the site. As per the previous application on this site, disagreement arises between the applicant and the Planning Authority as relates to the quantum of development and phasing of development.

12.2.10. The Board did not refuse the previous SHD application on this site on the basis of non-compliance with the zoning objectives (ABP Ref 304037), and this application remains broadly similar in scale, layout and extent to the previous submission (save for the additional 1 no. unit, and some minor modifications to materials and positioning of housing units). It is my view, therefore, that the principle of a residential development has been accepted on this site.

12.2.11. Notwithstanding the compliance of the proposal with the zoning objectives pertaining to the site, I am of the view that the proposal is a material contravention of the AA2 objective which specifies the quantum of development allowed on the residential lands. A maximum of 156 residential units may be provided on the remainder of the site (8.8ha)'. This equates to residential density of 20 units/ha gross. The applicants are proposing a total of 219 residential units, which relates to a density of 30.5 units/ha gross.

12.2.12. I do not consider that the proposal materially contravenes the phasing aspect of AAP, as this can adequately be dealt with by way of condition. I have considered the issue of material contravention in the relevant section below.

Density

- 12.2.13. The LAP sets out a number of criteria for Action Area 2 lands, which includes 'A maximum of 156 residential units may be provided on the remainder of the site (8.8ha)'. This equates to residential density of 20 units/ha gross. The applicants are proposing a total of 219 residential units, which relates to a net density of 30.5 units/ha (the applicants have excluded the area of public open space for the purposes of density considerations). This is a slight increase of the net density of 35 units per hectare submitted under the previous proposal (on account of the additional unit).
- 12.2.14. The applicants have set out in their Material Contravention Statement that the proposed density in accordance with Section 28 Guidelines of 20-35 units per hectare in such locations and the broad aims of the NPF. The applicant contends that that the site should be considered in the 'small town or village' category i.e. advising that a range of 20-35 dwellings per hectare is applicable.
- 12.2.15. I concur that the site can be defined as such. My view, as per the view of the previous reporting Inspector, is that a density such as that required by Action Area Plan 2, which stipulates a maximum of 156 units, with an equivalent density of 20 units/ha, would result unsustainable development patterns and inefficient use of serviced lands. Increasing residential density at appropriate locations is national policy and articulated in section 28 guidelines.
- 12.2.16. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 12.2.17. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' 2018, 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 12.2.18. Having regard to the provisions of Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), Enniskerry is considered to

be a small town, and I consider a density range of 20-35 units to be applicable in this instance, as it more readily fits the category of 'Edge-of-Centre' sites where such a density range applies, rather than the 'edge-of small town/village' category, where a densities of less than 15 - 20 dwellings per hectare apply.

- 12.2.19. The above cited Sustainable Residential Development in Urban Areas Guidelines, 2009 also set out general goals of which are to which are *inter alia* to prioritise walking, cycling and public transport, and minimise the need to use cars and to provide a good range of community and support facilities where and when they are needed and that are easily accessible
- 12.2.20. In terms of the accessibility of the site, the site is located approximately 1km from the centre of Enniskerry Village, which equates to an approximately 12 minute walk, although part of this route is steeply inclined. I note the existing pedestrian infrastructure is not ideal, however significant infrastructural improvements are proposed by the applicants which go some way towards resolving this issue (I have considered this issue in further detail in the relevant section below). The site is also served by two bus stops serving Enniskerry Village, one at the western most extent and to the south of the site, which serve the 185 Bus Route (Bray to Enniskerry). While this cannot be described a frequent bus service, it does provide additional accessibility to the site.
- 12.2.21. In terms of community and support facilities, the town of Enniskerry provides a range of services, as set out in Community Audit submitted with the application. There is an existing mini-mart opposite the site and a range of other uses planned for the AAP area, including a school, community uses and enterprise units. Should the Board be minded to approve the proposal, a condition is recommended as per Wicklow County Council's suggested condition, in order to ensure appropriate phasing of the site.

Material Contravention

- 12.2.22. A number of submissions have stated the proposal is a material contravention of the statutory planning documents that relate to the site, including the Wicklow County Development Plan 2016-2022, the Enniskerry Town Plan and Bray Municipal District Local Area Plan 2018 and Enniskerry Town Plan.

12.2.23. The Planning Authority, in their recommendation, state that the proposal would materially contravene the objectives set out in the LAP for the development of lands with Action Area 2.

12.2.24. As noted above, it is my view that the only objective that is being materially contravened relates to the quantum of development allowable on the site (and consequently the allowable density).

12.2.25. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:

(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 planning guidelines 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.

12.2.26. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

12.2.27. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness, and as expressed in the National Planning Framework – Ireland 2040, identify the need for an increased supply of housing, through *inter alia* the provision of housing at increased densities in appropriate locations.

- 12.2.28. In relation to the matter of conflicting objectives in the development plan, no parties have cited this as an issue and I do not consider this criteria has been met in this instance.
- 12.2.29. In relation to the matter of RPGs and Section 28 Guidelines, Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA) supports the concept of compact growth. In relation to Section 28 Guidelines, of particular relevance are 'The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)', which supports increased densities in appropriate locations, and I have assessed the proposal in relation to same above.
- 12.2.30. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, I note that, apart from the most recently refused application on this site, refused on matters related to Appropriate Assessment, there have been no SHD applications in Enniskerry, and there does not appear to be any applications approved, by either the planning authority or the Board, that have a density comparable to that proposed under this application. As such, this criteria has not been met in this instance.
- 12.2.31. Section 37(2)(b) does not require all of the criteria listed to be met. As such, should the Board be minded to invoke the material contravention procedure, as relates to the objective stating the maximum quantum of development on this site (and following from this, the allowable density) as outlined in Acton Area Plan 2: Parknasilloge of the Bray Municipal District Local Area Plan 2018-2024, I consider that the provisions of Section 37(2)(b)(i) and (iii) have been met and in this regard I consider that the Board can grant permission for the proposal.

12.3. Traffic and Transport

- 12.3.1. Submissions from Third Parties have raised concerns in relation to the existing and future accessibility of the site, traffic congestion and state that the proposal will be car dependant.
- 12.3.2. The Planning Authority have raised no significant concerns in relation to traffic and transport issues, subject to conditions of a technical nature.

Proposed Upgrades

- 12.3.3. The existing pedestrian environment is sub-standard with no footpath on either side of the road for a large extent. The existing footpath provision between the application site and Enniskerry Village is intermittent and sub-standard. The applicant is proposing to upgrade pedestrian facilities, as per the previous application. Details of the proposed pedestrian facilities including the link between the subject site and Enniskerry are shown on Waterman Moylan drawing Nos 17-060-P228, P229 and P230. These upgrades consist of the provision of a footpath on running the entire western and southern boundary of the site. A non-controlled pedestrian crossing is proposed east of the site, to link with an upgrade footpath that then links to the centre of Enniskerry. I am of the view that non-controlled crossing should be signal controlled, given the existing 50kph limit that applies on this road, and to ensure a more conducive environment for pedestrians. These works should be carried out and completed prior to the occupation of any units and to the technical standards of the planning authority, a suitable condition should be attached.
- 12.3.4. It is unfortunate that no cycle facilities are proposed, but the constraints of the road width are noted, and would appear to limit the safe provision of same.

Impact on the Surrounding Road Network

- 12.3.5. The submitted Traffic and Transport Assessment concludes the expected increase in traffic levels arising from the development can be accommodated by neighbouring junctions. The Planning Authority has raised no objection in relation to the conclusions of same and there is no issue raised by any party in relation to the methodology employed in the analysis. As such I am satisfied that the proposal will have a minimal impact on the surrounding road network.

Access

- 12.3.6. As per the previous proposal, the proposed development will be accessed from two new junctions from the Glenree Road. Adequate sightlines have been provided. The Planning Authority have raised no objection to same.

Car Parking

- 12.3.7. The applicant proposes to provide 386 car parking spaces for the apartments and houses and 14 spaces for the childcare facility, with 5 on-street car parking spaces provided for visitors. This is as per Development Plan Standards. I am mindful of the provisions of Section 4.21 of the Design Standards for New Apartment notes that, 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, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. In this instance, the proposal does not exceed 45 unit/ha, and I consider that the parking as proposed is appropriate, and is broadly as per previously proposed. As noted in relevant sections above, the site is within walking distance of Enniskerry, and will benefit from an improved pedestrian environment. It is also served by a bus service that links to the centre of Enniskerry, and to Bray, with stops directly adjacent to the site. A local shop is opposite the site and a school and employment hub are proposed for the AAP area. As such there are viable options to the private car for residents of the development, although the need for car storage, the need for a private car for less direct locations is acknowledged. In this regard, the provision of car club spaces has been shown to reduce private car based journeys and, should the Board be minded to grant, a condition should be imposed in relation to same, the quantum of which should be agreed with the Planning Authority.

12.4. Surrounding Residential Amenity

- 12.4.1. Submissions from Third Parties have raised issues related to overlooking/loss of privacy and loss of daylight/sunlight/overshadowing.
- 12.4.2. The proposal is broadly similar in layout and extent to the previous application (with an additional unit proposed under this application), with some alterations in relation to the positioning of houses on the site.
- 12.4.3. There is an existing housing estate, Parknasilloge Court and two individual houses set in their own grounds.
- 12.4.4. To the east of housing units 70, 71 and 72 there is an existing dwelling with habitable windows which face towards the rear of these units. These proposed houses are set back at least 20.5m from this existing dwelling which I consider is sufficient to prevent loss of privacy as a result of overlooking. All other separation distances are appropriate and no loss of privacy will result.
- 12.4.5. There is adequate setback from existing housing to ensure that no loss of daylight/sunlight or overshadowing will result from the proposed development.

12.5. Residential Standards/Layout/Open Spaces

Dwellings

- 12.6. The applicant has provided internal living accommodation that meets or exceeds the best practice guideline produced by the Department of the Environment 'Quality Housing for Sustainable Communities'.
- 12.7. Garden areas for the houses are generously sized and provide an acceptable level of amenity,

Apartments

- 12.7.1. The proposed development comprises 84 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 are of relevance.
- 12.7.2. There are no single aspect units. The units either meet or exceed the minimum floor areas. All other relevant standards have been met.

12.8. Design/Layout/Visual Amenity

- 12.8.1. The layout considers of 4 character areas, as detailed in the Design Statement, interspersed with area of open spaces of varying sizes and function. Character Area 1, to the south-east of the lands, is focused around the 'village green' open space, and is comprised of 2 and 3 storey blocks of own-door apartments and duplexes. I concur with the applicants design statement in that this provides an appropriate street edge, and the drop in height to two and one storey is appropriate to reflect the scale of the existing Parknasilloge Court. Materials proposed primary include render in white, with relief in grey and ochre to emphasise projecting panels and bays which reflect that of Parknasilloge Court. Character Area 2 is located between the village green to the east and the public park to the west, and includes a centrally located 'Pocket Park'. Traditional style housing and a slight variation in roofing materials, provide a distinct character. Character Area 3 occupies the north western portion of the site, and follows the line of the large public open space. This area consists of larger semi-detached units, with further variation in render colour. Character Area 4 occupies the southwest portion of the lands forming the interface of the proposed development with Glencree Road. Again a variation in house types, and materials provide a distinct character.
- 12.8.2. Overall, design and layout, including the provision of a range of open spaces, is of high quality and would provide an attractive addition to the area. The street

dimensions and configuration are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable.

- 12.8.3. In relation to visual amenity, I consider that the height and scale of the proposal is appropriate, especially in light of the need to ensure an appropriate scale of development on the site. Variations in the height, in housing typologies and in the use of materials, provide visual interest in the scheme. The area is changing with housing being developed on the opposite side of the road, so the introduction of housing on this site is not out of context. While I note that the existing site is greenfield, and provides an attractive visual amenity, it is zoned for development and a development of any scale on the site will have result in a profound change of character from the existing greenfield nature of the site.

Permeability

- 12.8.4. Having regard to Third Party Submissions related to same, where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

Mix

- 12.8.5. The proposed mix is as follows: 16 no. 1 bedroom own door apartments; 34 no. 2 bedroom own-door apartments; 34 no. 3 bedroom own-door duplexes; 3 no. 1 bedroom houses; 8 no. 2 bedroom houses; 75 no. 3-bedroom houses; 45 no. 4-bedroom houses; 3 no. 5-bedroom houses. I am satisfied that an adequate mix of housing units has been provided.

12.9. **Site Services/Flooding**

Foul/Water Supply

- 12.9.1. As per the previous reporting Inspector's view, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified, The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this.

Surface Water

- 12.9.2. In relation to surface water management, the planning authority have recommended a standard approach to surface water management on the site and recommended conditions, technical in nature. Detailed surface water management measures are

outlined in detail in the submitted Engineering Report, the Natura Impact Statement and the HES, and are acceptable.

Flooding

- 12.9.3. A Site Specific Flood Risk Assessment has been submitted (dated March 2020). This notes the entirety of the site is within Flood Zone C. With mitigation, including SuDs measures, flood risks to the site from all sources are considered to be low. No concerns in relation to flood risk have been raised by Wicklow County Council.
- 12.9.4. I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

12.10. Other Issues

Childcare

- 12.10.1. A Childcare Facility will be developed on the site in line with the requirements of the Childcare Guidelines. The proposed crèche (373.4 sqm) providing for approximately c. 67 childcare spaces. It will be located to the entrance close to Enniskerry town centre on the Glenree Road. The size of the crèche is designed to service the entire Action Area Plan 2 area. I am satisfied that the provision of a crèche at this scale is appropriate.

Archaeology

- 12.10.2. The Department of Culture, Heritage and Gaeltacht note the details of the potential archaeological impacts that could arise and considers that there is sufficient information contained in the Archaeological Assessment Report. A suitable condition is recommended based upon the detailed requirements of the Department. I am satisfied that issues related to archaeology can be dealt with by way of condition.

Legal Issues/AAP Process

- 12.10.3. Adjacent landowners have raised concerns in relation to the lack of involvement in the AAP process, and the nature of the revised AAP agreed with the Council. Reference is also made to access issues and impact on the development potential of adjoining land. Issues related to the AAP process and involvement of landowners in same are not issues that can be dealt with through the SHD process. I consider that appropriate access arrangements have been made to adjoining lands

under the proposed layout, and conditions can be imposed to ensure no 'ransom strips' remain.

12.11. Wicklow County Council's Chief Executive's Report

12.11.1. Section 5 of the Chief Executive's Report sets out the Chief Executive's Recommendation and it is stated that the scheme as current proposed is not recommended for the reasons I have summarised below:

- Would materially contravene the objective set out in the LAP for the development of lands with Action Area 2
- Scale far exceeds the maximum permitted density
- Phasing plan is inadequate/not linked not to physical and social infrastructure necessary.
- Relocation of land use zonings subject to compliance with the Approved AAP, March 2019/Proposal fails to comply with AAP/Development of these lands for residential purposes would be contrary to the zoning objectives for the site.
- Would be out of keeping with the established pattern and character of development in Enniskerry.
- Lack of necessary infrastructure and services
- Lack of employment opportunities and services in the area

12.11.2. I have considered the concerns of the Planning Authority within this report. In relation to the issue of compliance with the zoning objective, material contravention issues, density and phasing, I have considered these issues Section 12.2 above. I have considered the issues of infrastructure, services, and employment in Sections 12.2, 12.3 and 12.9 above. As such I consider that issues raised in Chief Executive's Report have been adequately addressed in this report.

13.0 Conclusion and Recommendation

13.1.1. The subject site is located on lands subject to three land use zonings, as follows: residential, employment and community/education as outlined in the Bray Municipal District Plan (MDL) 2018-2024 (Map 3 – Enniskerry). Chapter 10 of the Bray Municipal District Local Area Plan 2018-2024 states that the position, location and

size of the land use zonings shown on plan maps 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 for the Action Area Plan. The Planning Authority has accepted that the zonings are indicative, and accept the principle of a residential development on the site, subject to compliance with objectives related to AA2, which the Planning Authority state have not been complied with. A previous application for a similar development on this site was not refused on the basis of non-compliance with the zoning objective for the site. As such, I am of the view that the principle of a residential development on this site has been accepted on this site.

13.1.2. The provision of a higher density residential development at this location is desirable having regard to its location within the settlement boundary of Enniskerry, the proposed upgrades to pedestrian environment and the proximity of the site to a bus route serving Enniskerry and Bray. In addition, the site is located in an area with a wide range of social infrastructure facilities, located within walking distance from the application site. Appropriate phasing of the development, which can be achieved by way of condition, will ensure additional supporting social infrastructure will be delivered. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable.

13.1.3. However, having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, as relates to a Qualifying Interest of the Knocksink Wood SAC, namely 'Old sessile oak woods with Ilex and Blechnum in the British Isles', and in relation to the potential in-combination impacts of the proposed waste management facility in the vicinity of the site, I am not satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the Knocksink Wood SAC, in view of the site's conservation objectives. In such circumstances, it is my view that the Board is precluded from granting permission.

13.1.4. I therefore recommend that planning permission should be refused for the reason set out below.

14.0 Recommended 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 22nd Day of May by Capami Limited Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2, D02 ND61.

Proposed Development:

- 219 no. residential units consisting of 19 no. 1-bed units, 42 no. 2-bed units, 108 no. 3-bed units, 48 no. 4-bed units and 2 no. 5-bed units. The units comprise of a mix of own door apartments, terraced housing, semidetached and detached housing and vary in heights from one to three storeys;
- Childcare facility of 373.4 sq.m;
- Two main vehicular accesses off the Glencree Road;
- Repair, replacement and provision of new drainage and pedestrian infrastructure including lighting towards the town centre on Kilgarron Hill along the Glencree Road;
- All associated site development and infrastructural works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking, utilities, internal roads, footpaths and shared surfaces, playground, site clearance and temporary construction development.

Decision

Refuse 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

1. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, as relates to a Qualifying Interest of the Knocksink Wood SAC (site code 000725) , namely ‘Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles’, and in relation to the potential in-combination impacts of the proposed waste management facility in the vicinity of the site, the Board is not satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the Knocksink Wood SAC (site code 000725), in view of the site’s conservation objectives. In such circumstances, the Board is precluded from granting permission

Rónán O’Connor
Senior Planning Inspector

26th August 2020

Appendix A - List of Observers

1. Aidan Booth and Paula Cantillon
2. Alan Gilson and Catherine Nunes
3. Albert Smith
4. Alice Carey and Others
5. Anita Tuesley and Others
6. Anna Moraghan
7. Anne Ferris
8. Annette Vaucanson Kelly
9. Auroville Limited
10. Breda MaGuire
11. Brian Donnelly
12. Carl and Julia Strickland
13. Caroline Leonard and Aifric Kyne
14. Cathal and Orla Walsh
15. Catherine Cassidy
16. Catherine O'Connor
17. Christine Magee
18. Claire Barcoe
19. Cllr Aoife Flyn Kennedy
20. Dan Bolger
21. Dara Golden
22. Declan Brennan
23. Dervla Cotter
24. Edwina and Dale Allman
25. Elisha O'Keefe

26. Emma Coulson
27. Enniskerry GAA Club
28. Erika Doyle
29. Felicity O'Mahoney
30. Fiona and Frank O'Reilly
31. Fionnuala Rogerson
32. Gerard O'Donnell and Others
33. Gillian Carey
34. Helen Finn
35. Ian McGahon
36. James MaGuire
37. Joe Behan
38. John and Breda Tobin
39. John Brady
40. Karina Halley and Jim O'Shea
41. Katie O'Brien and Gavin Harte
42. Kevin Warner
43. Kitty Bolger
44. Laoise Nolan
45. Leesha O'Driscoll
46. Liz McMahon and Joe Wilson
47. Lorna Kelly
48. Lynn and Alan Murphy
49. Maire and John Donovan
50. Marc Baker
51. Marion Maloney

52. Maurice Chadwick and Annette Kent
53. Melanie Corrigan
54. Natalie Butler
55. Newtown & District Citizens Action Group
56. Niall Driver and Others
57. Nicholas Furlong
58. Nicholas Kenny and Catherine Hanley Kenny
59. Nigel Pepper and Geraldine Leonard
60. Oliver Megan and Dorris Errity
61. Olivia Noonan
62. Parknasilloge Court Residents Association
63. Pat and Sheila Noloan
64. Paula and Justin Rea
65. Peter Allman
66. Rachel Lynam
67. Rebecca Candon and Bobby Hassett
68. Rebecca Napper and Others
69. Richard and Sinead McGuinness
70. Roderick O'Mahoney and Others
71. Roisin and Tim Briggs
72. Ronald and Jennifer Bolger
73. Robert Meehan
74. Sorcha O'Keeffe
75. Susannah and Conor McHale
76. Tessa Stewart and Geraldine Flanagan
77. The Walker Family

78. Thomas Nolan and Others