



An
Bord
Pleanála

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

Inspector's Report ABP-307230-20

Strategic Housing Development	133 no. residential units (117 no. houses, 16 no. duplex apartments) and associated site works.
Location	Ballinahinch, Ashford, Co. Wicklow.
Planning Authority	Wicklow County Council
Applicant	Ardstone Homes Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water2. An Taisce3. Inland Fisheries Ireland4. Transport Infrastructure Ireland
Observer(s)	<ol style="list-style-type: none">1. Ashford Development Association2. Brendan and Jane Newsome

3. Chris and Kate Masterson
4. Declan and Philomena Long
5. Dr Craig Bishop
6. Eileen and Joe Murphy
7. Eleanor Mayes and Others
8. Fiona McEneaney
9. Gina and Kevin Fox
10. Joe Kavanagh
11. Leia Doyle
12. Pat and Eliz Doyle
13. Scoile na Coroine Mhuire

Date of Site Inspection

10th July 2020

Inspector

Elaine Power

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The appeal site is located approx. 500 north west of Ashford town centre on the edge of the existing built up area. The area is transitional in character. It is bound to the north by agricultural lands, to the south by Carrig Park, a low density residential estate, to the east by institutional lands (Church of the Most Holy Rosary and Scoil na Coróine Mhuire) and to the west by the R764 and an open stream. The partially completed Ballinahinch Woods residential development is located to the west of the site, on the opposite side of the R764. This site is also within the ownership of the applicant and comprises 169 no. residential units and a crèche facility. There are also a number of detached dwellings on both sides of the R764.
- 2.2. The site has a gross area of 4.9ha and is currently an overgrown greenfield site. The site is generally rectangular in shape with a 2m wide spur extending along the western side of the R764, which would provide a footpath link to the town centre. The site is steeply sloped along the western boundary and the site is open and locally elevated approx. 4m above the public road. The site boundaries generally comprise of mature trees and vegetation. There is an existing gated access to the site from the R764.
- 2.3. The red line boundary includes the front boundary of Dawn Cottage a protected structure (RPS 19-01) which fronts directly onto the R764 and is within the ownership of the applicant.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to construct 133 no. residential units, in this regard 117 no. houses and 16 no. duplexes comprising the following: -
 - 21 no. 2-bed houses
 - 48 no. 3-bed houses

- 48 no. 4-bed houses
- 8 no. 2-bed duplex units
- 8 no. 3-bed duplex units

Unit Type	Number	Percentage
2-bed units	29	22%
3-bed units	56	42%
4-bed units	48	36%

- 3.2. The development comprises 7 no. different dwelling types, which provides for 16 no. duplex units, 47 no. terraced units, 69 no. semi-detached units and 1 no. detached unit. The gross floor area of the 2-bed houses is approx. 88.4sqm, the gross floor area of 3-bed houses varies from approx. 114.0sqm to 118.0sqm and the gross floor area of the 4-bed houses varies from approx. 139.4sqm to 169.0sqm. All houses are 2-storeys with a maximum height of 9.8m. The 2-bed duplex units have a gross floor area of 84sqm, and the 3-bed duplex units have a gross floor area of 119sqm. The duplex units are located in 2 no. 3-storey blocks with a maximum height of 12.9m.
- 3.3. The design of the scheme is a contemporary approach to a traditional style. The houses are arranged around a number of cul-de-sacs, which provide the potential for future pedestrian links to the adjoining sites to the north and east. The development is divided into 2 no. character areas. Character Area 1 is generally located to the front (west) of the scheme. The external materials include render and a light buff brick. Character Area 2 is generally located to the rear of the scheme (east). The external materials include red brick with feature render panels.
- 3.4. The development includes 263 no. car parking spaces, the majority of the houses are provided with off-street car parking in a front driveway. Communal on-street car parking is provided for House types D, which are 2-bed units located in the centre of the site and the duplex units located along the western boundary.
- 3.5. The scheme includes 5 no. areas of public open space, which has a total gross area of 12,116 sqm and accounts for 24% of the site area. The areas of open space are identified on Drawing no. PL03. Areas identified as 1 and 2 (A, B & C) are located

along the western boundary of the site. Area 1 is located on the southern side of the access road and has an area of approx. 1,827sqm. Area 2 is located on the northern side of the access road and has an area of 6,023sqm. This area is subdivided into parcels of open space divided by footpaths. Areas 1 and 2 A have an area of 6,418 sqm and are steeply sloped. Area 3 is located within the northern portion of the site and has a stated area of 899sqm. Area 4 is located within the centre of the site and has an area of 1,443sqm. Area 5 is located in within the southern portion of the site and has an area of 924sqm.

- 3.6. Vehicular and pedestrian access to the site is proposed the western boundary via an existing roundabout on the R764. The internal road network has been designed in accordance with DMURS. The main carriageways within the scheme vary from 4.8m to 6m, excluding footpaths. It is proposed to realign existing residential boundaries along the western side of the R764 to provide for a footpath from the site to the town centre, this includes works to the front boundary of Dawn Cottage, a protected structure (RPS Ref. 19-01).
- 3.7. The works include the provision 2 no. ESB substations, 4 no. cycle stores, 1 no. bin store and all associated infrastructure, drainage and landscaping works.
- 3.8. The application included the following:
- An Architectural Design Statement
 - A Statement of Consistency
 - A Material Contravention Statement
 - Response to An Bord Pleanála Opinion
 - An Arboricultural Assessment
 - Technical Note: Footpath Route along the R764
 - Infrastructure Report
 - Road Safety Audit
 - Outline Construction Environmental Management Plan
 - Flood Risk Assessment
 - Traffic and Transport Assessment

- Photomontages and CGI
- Schools Demand Assessment
- Architectural Heritage Assessment
- EIA Screening Assessment
- Screening Report for AA
- Archaeological Assessment
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Ecological Impact Statement
- Social Infrastructure Audit
- Landscape and Visual Impact Assessment

4.0 Planning History

Subject Site

None

Surrounding Sites

ABP 303811-19, Reg. Ref. 18/1413: Permission was granted in 2019 for minor amendments to a creche permitted under PL27.246799 and to omit condition no. 6, which restricted occupancy of houses within the development

PL27.246799, Reg. Ref. 15/524: Permission was granted in 2016 for a residential development comprising 169 no. houses and a creche.

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 in respect of a development of 132 no. residential units. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Zoning and objective SLO2 of the Ashford Local Area Plan

- Design / Layout / Mix (density / compliance with Urban Design Manual / DMURS / open spaces provision / mix of units)
- Transport (including cycle and pedestrian links / permeability / car parking provision / proposed infrastructure upgrades)
- Impact on Dawn Cottage (protected structure)
- Site services (water supply / surface water / foul / required upgrades)
- Trees / Ecology / Appropriate Assessment
- Childcare Provision

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. In the Notice of Pre-Application Consultation Opinion dated 5th December 2019 (ABP-305570-19) An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development.
- 5.3. The opinion also stated that the following specific information should be submitted with any application for permission.
1. Justification in relation to any non-compliance with the objectives set out under Objective SLO2 of the Ashford Local Area Plan, as it relates to the provision of community infrastructure and road improvement works.
 2. Justification for the mix of units, or a revised mix with additional 2-bed units.
 3. Proposed areas of public open space should be re-considered to provide enhanced standard of amenity
 4. A revised Arboricultural Assessment, including details of species to be retained and justification for any trees to be removed.
 5. Justification for the non-provision of a footpath on the eastern side of the R764. Additional details of the footpath along the western side of the R764, including pedestrian crossing and boundary treatments.

6. Having regard to the report of the Transportation, Water and Emergency Services, Wicklow County Council, additional details are required regarding footpath and shared services, pedestrian link to employment lands, cycle parking provision, a Road Safety Audit and public lighting.
7. A revised Flood Risk Assessment, with regard to potential flooding downstream.
8. Having regard to the report of the Environment Department, Wicklow County Council, additional drainage details including the need for infiltration testing and the use of a petrol interceptor
9. A report specifically addressing the proposed materials and finishes.
10. Additional CGI's / visualisations / 3D modelling
11. Report assessing impact on existing schools
12. A Social Infrastructure Audit
13. A site layout plan, indicating areas to be taken in charge
14. A site layout plan, indicating how the net density has been calculated
15. A site specific Construction and Demolition Waste Management Plan
16. Waste Management details

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland

- National Transport Authority
- Transport Infrastructure Ireland
- Wicklow County Childcare Committee

5.5. ***Applicant's Statement***

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed items 1-16 of the specific information to be submitted with the application. Items of note are outlined below: -

Item 1: A Material Contravention Statement was submitted. This is addressed in detail in Section 6.6 below. The proposed development would allow for the residential development of the site, in accordance with its zoning objective whilst also ensuring that the community and recreational needs of the town are supported, in accordance with objective SLO2 of the Ashford Town Plan. The current limitation of the number of residential units permissible on the site acts as a barrier to achieving densities as set out in national and regional policy and guidance. It is considered that the policies of the Ashford Town Plan which restrict density, and which are linked to the development of a third-party site, are in direct conflict with the National Planning Framework. Therefore, there is justification for a material contravention.

Having regard to the importance of housing delivery the subject development should not be dependent on the development of third-party lands. The applicant has engaged with the adjoining landowner, who has confirmed that there are no plans to develop the adjoining site. To address concerns in relation to the non-provision of community infrastructure a social audit is submitted with the application, which concludes that there is sufficient existing provision of social infrastructure in the vicinity of the site to support the proposed development.

The applicant has engaged with the planning authority who have indicated that the subject site is not suitable for a community facility and the preference would be within the centre of the town. The applicant has entered into an agreement with a third-party to contribute to the development a community facility in a more appropriate location.

The applicant is also committed to a Section 49 financial contribution, should the third-party development not proceed.

Item 2: The housing mix has been revised to provide a greater proportion of 2-bed units.

Item 3: The development provides a generous quantum of public open space, that allows for passive recreation, play and ball games. All areas are overlooked and include benches, ornamental planting, flowering trees, and feature paving. In addition, a proposed vehicular access along the northern boundary has been replaced with a pedestrian access, which would improve the amenity and safety of the public open space.

Item 4: An Arboricultural Assessment was submitted which provides details of the trees / hedgerows to be retained and a justification for any trees to be removed.

Item 5: The footpath is proposed on the western side of the R764. The provision of a footpath on the eastern side of the R764 would require the culverting of an open stream. Wicklow County Council and Inland Fisheries Ireland have confirmed that this is not an acceptable solution due to the potential impact on the River Vartry, located downstream which is a salmonid river.

The provision of a footpath on the western side of the R764 requires the realignment of 5 no. existing front boundaries. The revised boundaries consist of 4 no. new stone walls and native hedging proposed at Dawn Cottage (a protected structure). New boundary treatments would match the existing.

Item 6: A Traffic and Transportation Assessment, Road Safety Audit and a Luminaire Schedule were submitted which include details footpaths and shared services, pedestrian linkages, cycle parking spaces and cycle storage.

Item 7: A Flood Risk Assessment was submitted. It is confirmed that a weir has been removed downstream and there is no risk of flooding as a result of the proposal. It is also noted that the site is located within Flood Zone C and as such has a low probability of flooding.

Item 8: An Infrastructural Report was submitted which details infiltration testing undertaken and confirms that petrol interceptors would be used within the scheme.

Item 9: Details of all proposed materials and finishes are contained within the Urban Design Statement, the Landscape Report and Drawings and Drawing no. PL05 – Duplex Elevations.

Item 10: Additional photomontages and CGI's and a Landscape and Visual Impact Assessment were submitted and demonstrate the high quality design of both the buildings and the landscaped spaces.

Item 11: A School Demand Analysis was submitted. It is envisioned that the potential 136 no. places for primary and post primary school generated by the proposed development would be absorbed by existing and planned schools.

Item 12: A Social Infrastructural Audit was submitted.

Item 13: Drawing no. PL03 indicates the areas which are to be taken in charge by Wicklow County Council.

Item 14: Drawing no. PL02 highlights the net developable area of the site (approx. 4.3ha). The provision of 133 no. residential units on the site equates to approx. 31 units per ha.

Item 15: A Construction and Demolition Waste Management Plan was submitted. It confirms that all waste at the site would be managed in accordance with current legal and industry standards.

Item 16: An Operational Waste Management Plan was submitted. It confirms that all operational waste would be managed in accordance with current legal and industry standards.

6.0 Relevant Planning Policy

6.1. Ashford Town Plan 2016 - 2022

Ashford is a designated Level 5 Small Growth Town settlement. The plan aims to consolidate the existing built pattern in Ashford by maximising the potential of large

sites within the town core in order to create a distinct streetscape capable of meeting Ashford's function as a town serving its immediate and wider hinterland population

The subject site is zoned R20 – Residential with the associated land use objective outlined in the Wicklow County Development Plan (Level 5 Town Plans) 2016 – 2022 *'to protect, provide and improve residential amenities at a density up to 20 units/ha'*. The vision for these lands is *'to facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'*.

The appeal site also forms part of a larger area which has the objective SLO2: *Inchanappa South*. The Plan states that *'SLO 2 lands measure c. 7ha, are located to the north and west of the school as shown on Figure 5 below and are zoned for residential (c. 5ha) and community / education use (c. 2ha). The development of these lands shall include straightening/widening along the R764. The exact use of the CE lands shall be subject to agreement with Wicklow County Council. The design of any development on the eastern part of the site shall address any potential flood risk from the Killiskey stream. No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user'*.

Table 1.1 Residential Zoning Provisions states that 'lands west of Ashford NS at Ballinahinch SLO2' has the potential to deliver 102 no. units.

It is noted that there is capacity within both the public wastewater system and the public water supply.

The following policies are also considered relevant:

ASH9: To provide for a new through road linking the R763 and the R764 in SLO-3 and upon opening of this link, to improve / reconfigure the existing R763 – R764 junction to improve safety for both vehicles and pedestrians / cyclists.

ASH11: To improve / provide new footpaths, cycleways and traffic calming on existing roads where required and to require the provision of new link roads, footpaths and cycleways as specified in this plan in 'Action Areas' and 'Specific Local Objective' areas.

6.2. **Wicklow County Development Plan 2016 - 2022**

Ashford is identified as a Level 5 settlement. These are the smaller towns of the County that provide important economic and social services to their populations and immediate hinterland. Such towns normally have a good range of infrastructural services and are suited to accommodating urban generated housing demand. These towns generally have a population between 1,500 and 5,000 persons.

As set out in Appendix 3 the town had a population of 1,484 in 2011. It is envisioned that the population would grow to 2,575 within the lifetime of the plan (2022) and to 3,250 by 2028. This population increase would require an additional 508 no. residential units by 2022 and an additional 842 no. units by 2028.

Section 4.3.2 – Zoning sets out guiding principles for the zoning / designation of greenfield land for new housing. Section 4.3.4 – Densities notes that it is an objective of the Council to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and neighbourhood centres.

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

Objective HD15 Within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows (this requirement does not apply to apartment only developments).

The following area also considered relevant, Settlement Strategy Objectives SS1, SS4 and SS5, Housing Objectives HD1, HD2, HD3 and HD5. Chapters 9: Infrastructure, 10: Heritage and Appendix 1: Development Design Standards are also considered relevant.

6.3. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031***

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

Section 4.7 - Self Sustaining Growth Towns and Self-Sustaining Towns notes that these towns support the regional driver of Key Towns and act as important local drivers, providing a range of functions for their residential population and surrounding catchment, including housing, local employment, services, retail and leisure opportunities.

6.4. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

6.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- Architectural Heritage Protection Guidelines, 2011
- The Planning System and Flood Risk Management Guidelines, 2008

6.6. **Material Contravention Statement**

The applicants have submitted a Material Contravention Statement. The statement provides a justification for the material contravention of 2 no. provisions of the Ashford Town Plan 2016 – 2022 and provides a detailed summary of national, regional and local policy to support the proposed development. The statement is summarised below: -

Objective SLO2

- The provision of objective SLO2 of the Ashford Town Plan would effectively sterilise 50% of the subject site, pending the development of adjoining lands zoned for community / education use. These lands are in separate ownership

and, therefore, outside of the control of the applicant. Given the demand for housing the restricted development of the subject site is unreasonable.

- The planning authorities desire to ensure adequate social infrastructure is acknowledged. A Social Infrastructure and a Schools Capacity statement have been submitted which indicates that the town is well served and could accommodate the additional population. In addition, the applicant has entered into an agreement with a third-party developer to contribute to the development a community facility in the town centre. The applicant is also committed to a Section 49 financial contribution, should the third-party development not proceed. It is considered reasonable that the proposed facility be provided in advance of the occupation of the final 50% of the proposed residential units.
- The planning authority agree that the subject site is not suitable for a community facility. The applicant has made considerable efforts to present a realistic and deliverable alternative to SLO2.

Density

- The plan allows for the provision of 102 no. residential units on the subject site, this would result in a net density of approx. 24 units per ha. The proposed development result in a net density of approx. 31 units per ha. The prevailing national planning policy provides a sufficient justification for the proposed density. It is considered that the density outlined in the Town Plan no longer aligns with the provisions of the National Planning Framework or the Sustainable Residential Development Guidelines for Planning Authorities and would result in an inappropriate number of residential units.

7.0 Third Party Submissions

13 no. third party submissions were received. The concerns raised are summarised below: -

Principle of Development

- The site should be developed in accordance with the Town Plan which allows for 50% of the site to be developed prior to the development of the community and educational lands located to the north east of the site. To allow for the full

development of the site could set an undesirable precedent for the development of these lands for residential use and impact on the future expansion of the school.

- The proposed density would be a material contravention to the Ashford Town Plan.
- The draft core strategy (published as part of the Chief Executive's Report in June 2020) has revised the population targets of Ashford downwards with a target of approx. 80 no. additional units during the period 2021 – 2031. This revised target reflects the status of Ashford as a small-scale rural village.

Design and Layout

- Ashford is a low-density rural village. The proposed development is located on the periphery of the village. The density is too high and the design which includes 3-storey units is out of character with Ashford.
- Due to the proposed height (3-storey) the duplex units would be visually obtrusive.
- A greater mix of housing types should be provided, in particular single storey dwellings to facilitate long-term sustainable development that can accommodate all life stages.
- The proposed development is not an extension to the existing town as it, in conjunction with the recently constructed Ballinahinch Woods, would be excessive and out of character with the established pattern of development. The two developments should be assessed as one, as it is the same applicant.
- Insufficient space has been provided for waste storage for the duplex units.

Residential and Visual Amenity

- The proposed development would have a negative impact on the existing residential amenities of Ashford. Proposed houses 6 – 22 are almost 3m higher than the existing properties at Carrig Park. The proposed development would result in undue overlooking and would have an overbearing impact on existing bungalows at Carrig Park. If permission is being contemplated these dwellings should be single storey only.

- There are no 3-storey houses in Ashford. The proposed development would set an undesirable precedent. The proposed 3-storey units should be restricted to 2-storeys in height. The proposed duplex units (18 no.) should be replaced with 10 no. semi-detached dwellings in keeping with the character of the area.
- The proposed development has devalued property in the area and is making house sales difficult.

Open Space

- The provision of open space on a steeply sloping portion of the site have limited use and is not suitable. The other open spaces within the development are insufficient for informal activities or games.
- It is unclear who would maintain the open spaces.
- To promote biodiversity existing trees and hedges should not be removed.

Traffic

- The Traffic Assessment only provides baseline data for the AM and PM peak. This is insufficient as there are heavy traffic flows throughout the day, generally relating to tourist traffic (10.00 – 16.00). Vehicle types have not been included and pedestrians and cyclists have not been counted. The traffic survey has not included details of a school bus which stops at the R763 / R764 junction.
- The sightlines at the uncontrolled pedestrian crossing at the R763 / R764 junction are below the recommended distance. The crossing does not have the capacity for additional pedestrians.
- The previously permitted development of 169 no. houses at Ballinahinch Woods, has placed additional pressure on the existing road network. The R764 has a series of bends and is becoming increasingly dangerous due to increased traffic volumes. The proposed development would exacerbate the current traffic problems and lead to traffic congestion in Ashford.
- The phasing of the site was also provided in the Town Plan to ensure the link road between the R764 and the R722 was constructed prior to the construction of additional housing. The link road would provide much needed increase in

the capacity of the local road network. The proposed development is premature prior to the construction of the link road.

- It is considered that the proposed footpath would not improve pedestrian safety as the R764 is too narrow and two trucks can not pass. The footpath also narrows to an unacceptable level. There are safety concerns for children from the proposed estate walking to the national school in the town. Local residents drive to the town rather than walk as the pedestrian environment is too dangerous. In addition, it is not possible to maintain a social distance during Covid-19. None of these issues have been addressed by the applicant.
- The proposed development would be car dependent, which is contrary to national and local policy objectives.
- Public transport links from and within Ashford are poor. The town is served by the 133 route which is infrequent and an unreliable bus service. At peak times it runs approx. every hour. There are just 5 buses per day running between Ashford and Glendalough. To commute to Wicklow train station by bus would add an additional half an hour to a journey. It is also noted that Wicklow train station is already at capacity.
- There are no cycle lanes in Ashford.
- Additional car parking is required in Ashford. In particular, outside the school to facilitate additional drop off / collections.

Water Services

- The application does not include a proper assessment of hydrological issues. There are no calculations for attenuation. The proposed development would result in flooding as the 'ditch' is insufficient to accommodate surface water run-off from the development.
- Concerns are also raised that the development would negatively impact on salmon in the Vartry River. The applicant refers to the watercourse along the western boundary of the site as a drainage ditch while it is in fact a tributary of the Vartry River.

Infrastructure

- The proposed development in conjunction with previously permitted development would place additional pressure on existing infrastructure, which is already under strain.
- There is a need for a creche and additional school places to support the development. The school is currently at full capacity and in very poor prefabricated accommodation.
- Ashford does not have the social or physical infrastructure to accommodate the proposed development. There is only 1 no. GAA pitch for over 300 members, the Athletics Club has no facilities. There are no facilities for children or the elderly in Ashford.
- Community facilities should not be provided off site as part of a third-party development. More details of this arrangement should be provided. Social infrastructure should be provided on site.
- Any development contribution should be ring fenced for the provision of community facilities in the village.

8.0 Planning Authority Submission

8.1. Information Submitted by the Planning Authority

- 8.1.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 20th July 2020. The report includes a summary of the proposed development, third party submissions and includes a summary of the views of the elected members of the Wicklow Municipal District, meeting held on the 22nd June 2020. The main concerns related to traffic / road infrastructure, services / community infrastructure, design and layout, flooding and Part V. Reports from the Area Engineer and Housing and Corporate Estates have also been provided.
- 8.1.2. The key planning considerations of the Chief Executive's report are summarised below.

Core Strategy and Settlement Strategy The development plan sets out population targets for Ashford. The town is envisioned to grow from 1,484 in 2011 to 2,675 in 2022, to 3,000 in 2025 and to 3,250 in 2028. The housing growth requirement from 2011 to 2022 is 651 units. The yeild of zoned land is 858 units. Policy Objective 9 of the National Planning Framework states that settlements should not grow above 30% of the 2016 population. Wicklow County Council have commenced stage 1 of the review of the current Develpoment Plan and are in the process of preparing a new County Development Plan to cover the period 2021 - 2027. Until such time as it is enacted the planning authotiy are required to implement the current figures. It is considered that the proposed number of units is acceptable having regard to the targets set out in the core strategy. The lands are bound by existing built up urban areas. It is considered that the development complies with the strategic objectives relating to the overall development strategy and to the promotion of sustainable land use and transportation, the phased and sequential development of urban lands and the promotion of a sustainable 'walkable' neighbourhood, as set out in the development plan.

Zoning: The subject site is zoned R20: New Residential. The proposed use of the lands for residential development is in accordance with this zoning objective

Density: The proposed density materially contravenes the density objective of the development plan. However, the planning authority notes the density standards set out in Sustainable Residential Developments in Urban Areas and SPPR4 of Urban Development and Building Height guidelines.

Objective SLO2: The proposed development materially contravenes Objective SLO2 which states that no more than 50% of the residential lands may be developed in advance of community lands being developed or devoted to a community and / or educational use. Wicklow County Council have indicated that the provision of a community building on the subject site is not suitable. There is no certainty regarding the provision of a community use / building on a third-party site within the town centre and amount proposed as a Section 49 special contribution in lieu of a community facility may not be sufficient.

Objective HD13: The proposed development does not comply with Objective HD13 which only allows apartments in designated centres in settlements. However, it is noted that the provision of apartments is in accordance with national planning policy.

Flood Risk: The site is not located within a flood zone. A flood risk assessment was submitted with the application and the planning authority are satisfied that the proposed development would not result in a flood risk.

Traffic / Transport: The construction of a 2m wide footpath along the western side of the R764 is justified having regard to the location of an open stream on the eastern side of the road and IFI requirement that the stream remain in an open and natural state. Having regard to the location of the stream and the private boundaries it is not possible to increase the carriageway width to 6m at all locations. It is considered that the proposed development would not prejudice any future works by Wicklow County Council and the provision of a footpath significantly improves pedestrian connectivity and is in accordance with objectives to upgrade the R764. The works include 2 no. pedestrian crossing points. A condition should be attached to any grant of permission that details of signage and a stage 3 Road Safety Audit should be submitted so any issues at the crossings can be addressed.

A footpath should be provided within the site, on the eastern side of the stream, to provide future connectivity and permeability to the employment zoned lands to the north. All proposed pedestrian linkages from the site to adjoining sites should be constructed to the boundary.

It is considered that there is capacity on the surrounding road network to accommodate the development. The proposed new link road between the R764 and the R772 is to be provided on lands designed Action Area 2, which is outside of the subject site. It is not considered necessary to restrict development on the subject site pending the delivery on the new link road.

Design and Layout: The design and layout of the development and the finish of the buildings are generally acceptable.

Visual Amenity: The visual impact of the development is considered acceptable.

Public Open Space: The development plan requires 15% of the total site area to be provided as public open spaces. Areas that are not suitable for development or for recreational use must be excluded. Excluding the steeply sloping area along the western site boundary, the development provides a total of 14.2% of the site area as public open space. Having regard to the good visual linkages and the functional relationship with the site. The proposed level of public open space is acceptable.

Housing Mix: It is considered that the scheme generally provides an acceptable mix, however, a limited number of bungalows would increase the choice and variety of house types.

Future Residential Amenity: The proposed development complies with national guidance and would provide an acceptable level of amenity for future residents.

Existing Residential Amenity: Having regard to the proposed separation distances and existing hedge and tree screening it is considered that the development would not result in undue overlooking or overbearing impact on the existing residential properties.

Car and Cycle Parking: The proposed number of car and cycle parking spaces are considered acceptable.

Childcare: It is considered that the permitted creche at Ballinahinch Woods has capacity to accommodate the proposed development. However, it is recommended that a condition be attached that no dwelling unit be occupied until the permitted creche is open and operational.

Boundaries: The proposed boundary treatments are considered acceptable.

Built Heritage: It is considered that the proposed modifications to non-original gate piers and flanking walls would not negatively impact on the character or setting of Dawn Cottage, Protected Structure (RPS 19-01).

Archaeology: The Archaeological Assessment submitted with the application is noted and no further assessment is required.

Trees / Landscaping: It is proposed to remove 48 no. trees from a total of 97 trees surveyed. The landscaping plan proposed significant new planting and landscaping. It is considered that the tree loss is mitigated by landscaping proposals.

Natural Heritage: It is considered that the proposed development would not have a significant adverse impact on the natural heritage of the area.

Water Services: The proposed water services are acceptable.

Occupancy Controls: Ashford is a level 5 Small Growth Town. As such there shall be no restriction on the occupancy of the housing units within the development.

8.1.3. The planning authority conclude that the proposed development would materially contravene Objective SLO2 of the Ashford Town Plan, which requires that no more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

8.1.4. The Planning Authority have listed 12 no. conditions. The most significant is condition no. 1 which requires that no more than 50% of the units be occupied until the planning authority is satisfied that a new community building is constructed and open to the public at a suitable location within Ashford.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council

- An Taisce
- Inland Fisheries Ireland
- National Transport Authority
- Transport Infrastructure Ireland
- Wicklow County Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 26th May 2020. A summary of the comments received are summarised below:

Irish Water: It is acknowledged that a confirmation of feasibility for 150 no. units was issued to the applicant. However, it should be noted that the infrastructure is not in place to cater for this development. In respect of water an upgrade of approx. 1,200m of 100mm watermain to 150mm watermain is required. In respect of wastewater an upgrade of approx. 330m of 150mm foul sewer to 225mm foul sewer is required. There are no plans to carry out any works in this area, a condition should be attached to any grant of permission that the developer fund these upgrades.

An Taisce: A number of concerns were raised regarding the proposed development. It is considered that the development is not in accordance with Smarter Travel – A Sustainable Transport Future as the walking route from the site is not safe and public transport is poor (not good). There is no possibility for the walking or cycle route to the local school to be safe. The development is not in accordance with the National Planning Framework or the Regional Economic and Spatial Strategy as new developments are required to be concentrated in locations where it is possible to integrate employment, community services, retailing and public transport. There is little employment, limited retail and poor access to public transport in Ashford. It is also considered that the development would not be in accordance with the National Mitigation Plan as all new residents would be car dependant. The proposed development is a commuter estate.

Inland Fisheries: The developer shall ensure comprehensive surface water management measures during both the construction and operational stage to prevent

any pollution of local surface water systems. A condition should be attached to any grant of permission to ensure regular inspection and maintenance of the SuDS infrastructure and the petrol/oil interceptors throughout the operational stage should be a condition of any permission. In addition, all construction should be in line with a detailed site-specific Construction Environmental Management Plan (CEMP).

The submission also notes that It is IFI policy is to maintain watercourses in their open natural state in order to prevent habitat loss, preserve biological diversity and aid in pollution detection. Any river or stream manipulation works (e.g. bridging), must first be submitted to IFI for consultation and approval. While the Landscape Masterplan shows the watercourse flowing in an open channel along the western boundary there was no specific reference to this in the text of the plan. It is recommended that the watercourse remain in its open natural state along the western site boundary.

Transport Infrastructure Ireland: No objection in principle to the development subject to compliance with the Spatial Planning and National Roads Guidelines.

No comments were received from The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council, National Transport Authority and Wicklow County Childcare Committee

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan. The assessment considers and addresses the following issues: -

- Principle of Development
- Design and Layout
- Residential Amenity
- Permeability

- Transportation
- Open Space
- Ecology
- Water Services
- Built Heritage
- Archaeology
- Childcare
- Part V Provision
- Material Contravention

10.2. ***Principle of Development***

- 10.2.1. The subject site is identified as being within the settlement boundary of Ashford and is zoned R20 - 'New Residential' with the associated land use objective '*to protect, provide and improve residential amenities at a density up to 20 units/ha*'. The vision for these lands is '*to facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities*'. The subject site is zoned for residential use. Therefore, the proposed development is acceptable in principle.
- 10.2.2. Table 1.1: - 'Residential Zoning Provisions' states that '*lands west of Ashford NS at Ballinahinch SLO2*' have the potential to deliver 102 no. units. It is noted that the provision of 102 no. units on the site would result in a net density of 24 units per ha. The proposed development, of 133 no. residential units, exceeds the total number of units permissible, by 31 no., and, therefore, contravenes the Plan. The issue of material contravention is dealt with in Section 10.14 below.
- 10.2.3. Concerns were raised by third parties that the proposed density and total number of units are inappropriate, having regard to the scale and character of Ashford and that any development of the site should be in accordance with the provisions of the Town Plan. The Planning Authority noted that while the proposed density would be in

accordance with national policy and guidance, it would materially contravene the development plan. The planning authority also acknowledged that the proposed number of units would not accord with the provisions of the Ashford Town Plan. However, it was considered that having regard to the targets set out in the core strategy and the site's location adjacent to the built-up urban area that the proposed number of units were acceptable.

- 10.2.4. The provision of 133 no. units on the site results in a net density of 31 units per hectare, which is above that set out in the Plan. Ashford had a population of 1,484 in 2011. It is envisioned in the core strategy that the population would grow to 2,675 within the lifetime of the plan (2022) and to 3,250 by 2028. This population increase would require an additional 651 no. residential units between 2011 and 2022 and a total of 858 no. additional units by 2028. Having regard to the limited number of extant permissions and the significant shortfall in the envisioned number of units, it is my view that the proposed population growth is unlikely to be reached within the lifetime of the plan.
- 10.2.5. Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031, SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 and Section 4.3.4 of the Wicklow County Development Plan 2016-2022, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 10.2.6. Having regard to the sites location adjacent to a serviced urban area, and the existing pattern of development, it is my view that a medium density development is appropriate at this location as it would support the consolidation of the town and reduce pressure for unsustainable and excessively low-density developments and the inefficient use of serviced lands. It is also considered that the proposed number of units would not have a significant negative impact on the scale and character of the town.
- 10.2.7. The appeal site also forms part of a larger area which is subject to Objective SLO2: *Inchanappa South*. Approx. 5ha of SLO 2 lands are zoned for residential use and approx. 2 ha are zoned for community / education use. The subject site is wholly

located within the lands zoned for residential use. The development of the SLO2 lands is subject to 3 no. criteria in this regard (1) no more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user, (2) the development of these lands shall include straightening / widening along the R764 and (3) the design of any development on the eastern part of the site shall address any potential flood risk from the Killiskey stream.

10.2.8. The lands zoned for community / educational use are located to the east of the site and are outside of the ownership of the applicant. Third parties have raised concerns regarding the full development of the site prior to the provision of adequate social and community infrastructure within the town.

10.2.9. The planning authority noted that as the proposed development comprised the full development of the site, it would be a material contravention of Objective SLO2. No concerns were raised by the planning authority regarding compliance with the road improvement works or potential flood risk as outline in Objective SLO2. It is noted that third parties raised concerns regarding the proposed road improvement works and the potential for flood risk and these items are addressed below in sections 10.6 Transportation and 10.9 Water Services. It is my view that the applicant has adequately addressed both the road improvement works and the potential flood risk in the design of the scheme as required by Objective SLO2. However, as it is proposed to fully develop the site, in advance of the community lands being developed, the proposed development would contravene Objective SLO2. The issue of material contravention is dealt with in Section 10.14 below.

10.2.10. The applicant stated that they engaged with the landowner of the adjoining community / education zoned lands and it was confirmed that there are no plans to develop the site. As the applicant intends to fully develop the site, alternatives to address the requirements of Objective SLO2 and the planning authority were proposed. In this regard the applicant proposed to provide a community use building within the site. The planning authority have confirmed that the subject site is unsuitable for the provision of a community use and that a facility should be provided within the town centre. As the subject site was considered unsuitable, the applicant entered into a contract with a third-party developer to contribute to the development of a community facility within

the town centre. The applicant has proposed that a condition be attached that this proposed facility be provided in advance of the occupation of the final 50% of the proposed residential units. Proposed alternative locations of a community building and a letter of agreement from the third party are submitted as appendices to the Material Contravention Statement. The applicant has also stated that should the third-party development not proceed a financial contribution could be provided in lieu of a facility.

10.2.11. The Planning Authority raised some concerns regarding the applicant's alternative proposals, as there is no certainty regarding the provision of a community use / building within a third-party site. It was also considered that the amount proposed as a Section 49 special contribution in lieu of a community facility may not be sufficient.

10.2.12. A Social Infrastructure Audit and a Schools Demand Assessment submitted with the application indicated that Ashford has a wide range of facilities within a 10 minutes' drive. The submission from Scoil Na Coróine Mhuire states that the school is at capacity and the current accommodation is unsuitable. However, the applicants Schools Demands Assessment notes that the school has experienced a 10% decline in enrolments over the past 5 years and that 3 no. additional schools are proposed within the catchment area by 2021. The Social Infrastructure Audit indicates that the town requires a permanent library, an indoor community space, playing pitches and an athletics club, including a running track. Having regard to the information provided with the application, it is my view that there is sufficient social infrastructure and school places, within a 10-minute drive of the site, to support the proposed development. Notwithstanding this, having regard to the provision of SLO2 it is recommended that the applicant contribute towards the provision of the community facility. I would have concerns regarding the provision of an off-site community facility on lands which are outside of the applicant's control. Therefore, to ensure the provision of an appropriate community infrastructure it is recommended that a condition be attached to any grant or permission that the applicant pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000.

10.2.13. In conclusion, it is considered that the proposed residential development would be in accordance with the provisions of the Wicklow County Development Plan, the Regional Spatial and Economic Strategy for the Midlands and East and the National

Planning Framework. However, as the entire site would be developed prior to the development of the community / educational lands located to the east of the site the proposed development would contravene objective SLO2 of the Ashford Town Plan. It is my view that the development potential of this site, which is located approx. 500m from the town centre and on the edge of the urban area, should not be dependent on another site being developed, which is outside of the ownership of the applicant and should be considered on its merits.

10.3. ***Design and Layout***

- 10.3.1. The design of the scheme is a contemporary approach, which reflects the traditional materials and design of residential developments in Ashford. The scheme is arranged around a number of clusters in close proximity to areas of open space. The development is divided into 2 no. character areas. Character Area 1 is generally located to the western (front) portion of the scheme. It comprises a mix of 3-storey duplex units and 2-storey terrace and semi-detached houses. The external materials include render and a light buff brick. Character Area 2 is generally located to the eastern (rear) portion of the scheme and generally comprises 2-storey semi-detached and terraced houses. It also includes 1 no. detached dwelling. The external materials include red brick with feature render panels. The design of the development includes a linear public park along the western boundary of the site and potential future pedestrian links to lands to the north and east of the site. It is proposed to retain, where possible, existing trees and vegetation. The existing watercourse along the western site boundary would also be retained in its open natural state. The scheme is predominantly 2-storey houses, with a maximum height of 9.8m. At the entrance to the development, 2 no. 3-storey duplex blocks with a maximum height of 12.9m are proposed. The building lines are varied throughout the development. The layout has been informed by the natural topography of the site and the retention of trees and hedgerows. Therefore, there are slight variations in the finished floor levels of the units
- 10.3.2. The proposed housing mix comprises 29 no. (22%) 2-beds, 56 no (42%) 3-beds and 48 (36%) 4-beds. The development comprises 7 no. different dwelling types, which provides for 16 no. duplex units, 47 no. terraced units, 69 no. semi-detached units and 1 no. detached unit. The unit's range in size from 88.4sqm to 169.0sqm.

- 10.3.3. A Schedule of Accommodate was submitted with the application. It is noted that the proposed units reach and exceed the minimum standard for room sizes as set out in Table 5.1 of Quality Housing for Sustainable Communities Guidelines, 2007 and Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- 10.3.4. An Operational Waste Management Plan has been submitted with the application and it is noted that the waste strategy is in accordance with legal requirements, waste policies and best practice guidelines. It is my view that waste storage areas are well integrated and are appropriated for the proposed development.
- 10.3.5. The development plan identifies Ashford as an 'Urban Area' in the landscape categorisation and stated that these settlements have already been deemed suitable for development and the impacts on the wider landscape of such development has already been deemed acceptable. The applicant has submitted a Landscape and Visual Impact Assessment and photomontages and CGI's of the proposed development. From the information submitted the development would be highly visible from the western boundary (R764) of the site. However, the visual impact would be negligible from the north, south and east of the site.
- 10.3.6. Objective HD13 of the development states that apartments generally will only be permitted within the designated centres in settlements on mixed use designated lands or within 10 minutes walking distance of a train or light rail station. It is noted that the Planning Authority considered that while the proposed development complies with national policy and guidance it does not comply with Objective HD13.
- 10.3.7. Chapter 2 of the Design Standards for New Apartments Guidelines, 2018 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and Section 2.1 states that *'increased housing supply must include a dramatic increase in the provision of apartment development.'* Sites that may be suitable for limited, very small-scale apartment development include sites within small towns and villages. In addition, SPPR 4 of the Urban Development and Building Height Guidelines requires that the development of greenfield sites must secure a greater mix of building heights and typologies and avoid mono-type building typologies particularly, in any one development of 100 units or more.

- 10.3.8. The proposed development includes 16 no. duplex units and is located outside of a designated centre and is not within 10 minutes walking distance of a train or light rail station. It is acknowledged that Objective HD13, *generally* does not allow apartments, however, having regard to the proximity to Ashford town centre and the provisions of Design Standards for New Apartments Guidelines, 2018 and Urban Development and Building Height Guidelines, 2018, it is my view that the provision of 16 no. apartments is appropriate in this instance, as they provide for a variety of unit types and sizes. While it is noted that this does not accord with the provisions of Objective HD 13 it is my opinion that this does not represent a material contravention of the development plan.
- 10.3.9. Concerns have been raised by third parties that the 3-storey duplex units would be out of character with the area and should be replaced with 2-storey houses and that the scheme should include single storey dwellings along the southern boundary to prevent undue overlooking. The planning authority raised no objection in principle to the design and layout of the scheme, however, it was recommended that consideration be given to single storey dwellings within the scheme.
- 10.3.10. As noted above, national policy and guidance require a mix building types and heights. It is my view that an appropriate mix of housing types and heights have been provided and that the proposed scheme would not negatively impact on the existing visual amenities of Ashford. It is also considered that there is no justification for the provision of single storey dwellings within the scheme.
- 10.3.11. Objective HD15 of the development plan states that within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows. The proposed scheme provides a mix of unit types and sizes. However, as there is no provision for single storey units, the proposed development would materially contravene Objective HD15. The issue of material contravention is dealt with below in Section 10.14.
- 10.3.12. In conclusion, the layout and design of the proposed development provides for variation in form and materials and retains natural features which creates a visually interesting scheme, that would integrate with the surrounding environs. It is, therefore,

my view that the proposed scheme would have a positive contribution to the emerging suburban character of Ashford.

10.4. **Residential Amenity**

- 10.4.1. The site is bound to the south by Carrig Park, which is a low-density residential estate comprising 8 no. detached dwellings. There are also 3 no. detached dwellings located to the south of the site which front directly onto the R764. There are no residential units adjoining the site to the north, east or west.
- 10.4.2. Concerns were raised by third parties that the proposed development would result in undue overlooking and have an overbearing impact on existing properties in Carrig Park. It is noted that the Planning Authority considered that the development would not have an unreasonable adverse impact on the amenity of existing properties.
- 10.4.3. The rear building line of the proposed houses (numbers 1-20) along the southern boundary are located a minimum of approx. 13m from the boundary and approx. 25m to 50m from the rear building line of existing housing in Carrig Park. A context elevation / section which includes the houses within Carrig Park has not been provided. However, Drawing. No. PL03, Site Layout Plan indicates that the ridged height of the proposed dwellings would be approx. 3m higher than the existing dwellings to the south.
- 10.4.4. It is noted that the site is elevated approx. 3m above the existing houses in Carrig Park. However, having regard to the separation distances provided between the rear building lines of the proposed and existing houses and to the maximum height of the units, approx. 9.8m, it is my view, that the proposed development would not adversely impact on the existing residential amenities of any properties in the vicinity of the site, in terms of undue overlooking or result in an overbearing impact.

10.5. **Permeability**

- 10.5.1. The proposed development includes setting back the front boundaries of 5 no. detached dwellings along the western side of the R764 to provide a new 2m wide public footpath. The proposed footpath would link the subject site to the town centre.

10.5.2. Concerns have been raised that the footpath would not improve pedestrian safety as the carriageway is narrow and does not allow for 2 no. trucks to pass. It is also considered that the proposed footpath is too narrow and that additional pedestrian movements along the road, generated by the proposed development, would endanger public safety. The planning authority considered that the proposed footpath would significantly improve pedestrian connectivity in the surrounding area and would promote a 'walkable' urban environment.

10.5.3. The proposed footpath is located on the western (opposite) side of the road from the subject site. It is acknowledged that the preference for the public footpath would be on the eastern side of the R764. However, having regard to the location of an open watercourse on the eastern side of the road and the IFI requirements that the stream remain in its open natural state, I have no objection to the provision of the footpath along the western side of the road. The works also include upgrading 2 no. uncontrolled pedestrian crossing points to link the site to the footpath and ultimately with the town centre. It is my opinion that the proposed works would significantly improve pedestrian safety along the R764.

10.5.4. The proposed layout provides for potential future pedestrian links to the north of the site, on lands which are zoned for employment uses and to the east of the site on institutional lands. A continuous footpath is also proposed within the site, along the western side of the existing stream. This route would provide direct pedestrian connectivity to the town centre from the employment lands. It is noted that the planning authority welcome this proposed pedestrian link. The potential links to the east would allow for direct pedestrian access to the existing school and the existing church. The applicant has stated that all proposed internal routes would be constructed to the site's boundaries.

10.5.5. In my view, the proposed pedestrian links would improve pedestrian safety and permeability within Ashford and are, therefore, acceptable and welcomed.

10.6. ***Transportation***

10.6.1. The subject site is located approx. 500m north of Ashford town centre and is therefore, accessible by walking and cycling. The proposed works include the provision of a footpath along the western boundary of the R764. The proposed footpath is approx.

180m in length by 2m in width. It is also noted that cycle and pedestrian facilities have recently been improved along the R763, to the south of the site, as part of the Ballinahinch Woods development. With regard to public transport, there is a bus stop located approx. 650m south east of the site. Ashford is served by the Bus Eireann route 133, which provides links to Wexford, Dublin City Centre and the Airport and a local link route 183 which provides links to Wicklow Town and Glendalough. The 133 route operates every hour and the 183 operates 3-4 services Monday – Saturday with 6 no. services on Sunday. The site is also located approx. 6.5km from Wicklow Train Station, which has commuter car parking available and operates an hourly service to Dublin during the peak period.

- 10.6.2. Access to the site is proposed from a single point on the western boundary, via a recently constructed roundabout on the R764. The R764 is approx. 5.5m – 6m in width with no footpath. The speed limit along the site boundary is 50 km/h which increases to 80 km/h approx. 70m north of the site. The internal estate road would generally be two-way, with a carriageway width of 5.5m. In parts a shared surface is proposed with a carriageway width of 4.8m. The internal layout and parking areas have been designed in accordance with the standards set out in DMURS.
- 10.6.3. The development plan sets out car parking standards for residential developments which requires 2 no. spaces per house, 1 no. space per duplex apartment and 1 no. visitor space per 5 no. residential units with 1 no. designated car parking spaces. Therefore, a total of 254 no. spaces are required. The proposed development includes 263 no. car parking spaces.
- 10.6.4. The development plan also sets out cycle parking standards for residential developments which requires 1 no. space per bedroom plus 1 space per 2 no. units. It is proposed to provide 106 no. spaces, in this regard 84 no. spaces in dedicated secure stores and 22 no. spaces in uncovered locations throughout the development. While it is noted that the quantum of cycle parking is below the standard set out in the development it is considered that additional cycle storage could be provided within the rear gardens of the houses. Therefore, I am satisfied that a sufficient quantity and quality of spaces has been provided within the site.

- 10.6.5. Concerns have been raised that the vehicular movements generated by the proposed development cannot be accommodated on the surrounding road network and the Traffic Assessment is insufficient as it only assessed movements during the peak periods, which excludes heavy traffic flows during the day generally relating to tourists.
- 10.6.6. Traffic surveys were carried out in November 2019 at 3 no. junctions, in this regard (1) R772 / R744 (Ashford Town Centre), (2) R764 / R763 (to the south of the site) and (3) R764 / Ballinahinch Woods (existing 3-arm roundabout) between the hours of 07.00 and 19.00. The record of the peak period 08.00-09.00 and 15.00-16.00 are provided in appendix B of the TTA. The full details of the traffic count has not been included. The survey found the at the number of trips are relatively low with a maximum of 266 no. right turning trips at the junction of R764 / R763 in the AM peak. In the PM peak there was a maximum of 219 no. movements southbound on the R772 (Ashford town centre).
- 10.6.7. The TRICS database was used to estimate the potential number of trips generated by the proposed development. It found that the proposed development has the potential to generate an additional 66 no. trips (17 no. arrivals and 49 no. departures) in the AM peak and 54 no. trips (32 no. arrivals and 22 no. departures) in the PM peak. The assessment indicated that the percentage impact of the proposed development on junctions (1) R772 / R744 (Ashford Town Centre), and (2) R764 / R763 (to the south of the site) would be less than 10% and, therefore, in accordance with TII Traffic and Transport Guidelines due to the minimal impact, no further assessment is required. The assessment found that the proposed development could potentially result in a 18.4% increase in the AM peak and a 19% increase in the PM peak on Junction (3) R764 / Ballinahinch Woods (existing 3-arm roundabout). The computer modelling program ARCADY was used to assess the roundabout both with and without the development. It indicates that there is sufficient capacity on the surrounding road network and that traffic would be free flowing.
- 10.6.8. It is noted that third parties consider that the link road between the R764 and the R722 should be constructed prior to the proposed development and that the development of the site is premature prior to the construction of the link road. The Planning Authority have stated that the proposed new link road between the R764 and the R772 is to be provided on lands designed Action Area 2, which is outside of the subject site and that

it is not necessary to restrict development on the subject site pending the delivery on the new link road.

10.6.9. Concerns have also been raised that the increased number of pedestrians would result in a traffic hazard on the R764. The Traffic Assessment includes a record of road collision statistics. It is noted that only 3 minor incidents have occurred over a 12-year period at the junction of the R764 / R763. This would indicate that the existing road alignment does not result in a traffic hazard. The proposed development includes the provision of a 2m wide footpath along the R764. It is acknowledged that the footpath is located on the western (opposite) side of the road, However, having regard to the location of an open watercourse on the eastern side of the road and the IFI requirements that the stream remain in a natural state, I have no objection to the provision of the footpath along the western side of the road. The works also include the provision of 2 no. new pedestrian crossings at either end of the footpath. A new pelican crossing is proposed at the junction with the R763. It is my view that the provision of a 2m wide footpath with 2 no. designated crossing points would significantly improve pedestrian safety along the R764.

10.6.10. It is proposed that all construction traffic would access the site from the existing agricultural gate on the R764. Vehicles would travel to the site from the M11 via the R744. All construction related vehicles would be accommodated within the site.

10.6.11. In conclusion, having regard to the evidence submitted , it is my view that the potential number of trips generated by the proposed development would not have a significant impact on the capacity of the network and that the proposed development would not result in a traffic hazard or generate any road safety concerns and would improve pedestrian safety along the R764.

10.7. ***Open Space***

10.7.1. Private open space provision for all units reaches and exceeds the standards set out in the Wicklow County Development Plan, Quality Housing for Sustainable Communities Guidelines, 2007 and Sustainable Urban Housing: Design Standards for New Apartments, 2018.

10.7.2. The development plan requires 15% of the total site area to be provided as public open spaces and that areas that are not suitable for development or for recreational use

must be excluded. The developments includes 5 no. areas of public open space, which has a total gross area of 12,116 sqm and accounts for 24% of the site area. The areas of open spaces are identified on Drawing no. PL03. Areas identified as 1 and 2 (A, B & C) are located along the western boundary of the site. Area 1 is located on the southern side of the access road and has an area of approx. 1,827sqm. Area 2 is located on the northern side of the access road and has an area of 6,023sqm. This area is subdivided into parcels of open space divided by footpaths. It is noted that Areas 1 and 2 A with an area of 6,418 sqm are steeply sloped. It is proposed to provide a toddler play area in Area 2C. Area 3 is located within the northern portion of the site and has a stated area of 899sqm. Area 4 is located within the centre of the site and has an area of 1,443sqm. It is proposed to provide a small playground within this space. Area 5 is located in within the southern portion of the site and has an area of 924sqm. The proposed development provides 14.2% net area of public open space.

10.7.3. Concerns have been raised by third parties that the open space on the western portion of the site is steeply sloping and, therefore, would have a limited use and the other open spaces within the development are insufficient for informal activities or games.. It is noted that the planning authority raised no concerns regarding the quantity of public open space.

10.7.4. A landscape report has been submitted and it is my view that the areas of open space have been integrated into the design of the scheme and provide both active and passive spaces. All areas are overlooked from the residential units. It is, therefore, considered that the proposed quality and quantity of public open space is considered acceptable.

10.8. **Ecology**

10.8.1. An Ecological Impact Statement was submitted with the application. It found that there is no evidence of any mammal species within the site.

10.8.2. The River Vartry flows approx. 200m south of the subject site, and approx. 100m south of the red line boundary at Dawn Cottage. There is an unnamed watercourse located along the western boundary of the site which drains to the River Vartry. The watercourse along the western boundary of the site was recently realigned as part of the Ballinahinch Woods residential development, which included culverting a section

of the watercourse to facilitate an access to the stie. Therefore, no works are required to the watercourse to provide access to the site. It is noted that the response from Inland Fisheries Ireland raised no objection to the proposed development subject to the watercourse remaining in its open natural state.

- 10.8.3. It is noted that the River Vartry is a salmonid river and concerns were raised by third parties regarding the potential negative impact on water quality of the river. The development includes surface water attenuation measures which ensure there would be no impact to water quality or quantity from the proposed development. Having regard to the information submitted it is my view that the proposed development would not negatively impact on water quality of the watercourse.
- 10.8.4. An Arboricultural Assessment was submitted with the application. The report divides the site into 2 areas. The first area is the main site area for residential development. Within this area of the site, 11 no. of the 54 no. individual trees surveyed and a 77m hedge would be removed to facilitate the development and as part of tree management. This includes 1 no. category A tree. The second area is the linear strip to accommodate the proposed new public footpath on the western side of the R764. Within this area 37 no. of the 43 no. trees and full garden hedges shrub borders would be removed to facilitate the development. The report notes that the loss of existing trees and vegetation would be mitigated against with the planting of new trees, shrubs and hedges to help provide good quality and sustainable long-term tree cover and to enhance and secure the treescape of the area. All trees and vegetation to be retained on site would be protected during the construction phase.
- 10.8.5. A Bat Assessment was submitted with the application and included a survey carried out between the 30th June and 1st July 2019. The survey confirmed 4 no. bat species within the site, however, no bat roosts were found. The assessment concludes that subject to a number of mitigation measures including the provision of bat boxes the proposed development would have no direct impact on the conservation status of bats.
- 10.8.6. Having regard to the high quality landscaping proposals for the site and the retention of existing mature trees and vegetation where possible, it is my opinion that the loss of a limited number of trees to facilitate the proposed development, would not have a significant negative impact on the visual amenities or biodiversity of the area.

10.9. **Water Services**

- 10.9.1. The OPW maps indicate that the appeal site is located outside of a flood zone and that there is no record of historic flood events in the Ashford area. The surface water drainage system for the scheme has been designed for the 1 in 100 year storm event, allowing 20% for climate change. SuDS has been incorporated into the design of the scheme to provide additional storage volume throughout the site, measures include the use of filter drains, permeable paving and rainwater harvesting.
- 10.9.2. Concerns were raised by third parties that the application does not include a proper assessment of hydrological issues, as there are no calculations for attenuation and that the proposed development would result in flooding as the watercourse along the western boundary of the site is insufficient to accommodate surface water run-off from the development.
- 10.9.3. The Opinion from the Board recommended that a revised FRA be submitted to address potential downstream flooding of the River View Estate, as there had been some minor flooding to the estate grounds due to previous blockages in the culvert. The FRA states that the subject site is upstream of the River View Estate and the proposed surface water run-off is not in excess of greenfield runoff, notwithstanding this the applicant met with Wicklow County Councils Municipal Engineer to review this concern who confirmed that a weir had been removed downstream of the River View Estate and that the council were satisfied that there was no risk to flooding. The planning authority have stated that flood risk had been adequately addressed.
- 10.9.4. The FRA further notes the site is not located near areas at risk of coastal, pluvial or ground water flooding. It is also stated that the finished floor and road levels, in addition to the SuDS measures and restriction of run-off to greenfield run-off rates means that there would not be an increased flood risk as a result the development. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water run-off relating to the site and would not result in flooding of the site or of adjoining properties.
- 10.9.5. The proposed development would be connected to the existing public water mains and public sewer. Irish Water acknowledged that a confirmation of feasibility for 150 no. units was issued to the applicant. However, it was noted that the infrastructure is

not in place to cater for this development. In respect of water an upgrade of approx. 1,200m of 100mm watermain to 150mm watermain is required. In respect of wastewater an upgrade of approx. 330m of 150mm foul sewer to 225mm foul sewer is required. There are no plans to carry out any works in this area, a condition should be attached to any grant of permission that the applicant fund these upgrades. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.10. **Built Heritage**

- 10.10.1. The proposed development includes the provision of a 2m footpath along the western side of the R764. To facilitate the provision of the footpath it is proposed to set back the existing front boundaries of 5 no. dwellings, including Dawn Cottage, which is a protected structure (RPS 19-01) and replace them with similar boundary treatments. The applicant has stated that the landowners have agreed to the land take to allow for the provision of the public footpath and that the applicant has purchased Dawn Cottage.
- 10.10.2. Dawn Cottage is described in RPS as a '*white-washed five-bay, single storey cottage with a heavy batter and buttresses at the end of the façade. Thick thatch on the roof*'. The existing front boundary treatment comprises an embankment with mature vegetation with 20th century vehicular gate with a splayed blockwork wall. There are a number of trees located in the front garden.
- 10.10.3. The works include the removal of the boundary embankment, hedging and some trees and some minor modifications to the vehicular access. The Architectural Heritage Assessment submitted with the application states that the range of architectural heritage impacts arising from the proposed development are benign and would not detract from the character of the protected structure in its urban context.
- 10.10.4. The application was referred to The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council and An Taisce. A response was received from An Taisce. No concerns were raised regarding the works to Dawn Cottage. In addition, no concerns have been raised by third parties regarding the alterations the front boundary of Dawn Cottage.

10.10.5. Section 13.4 of the Architectural Heritage Protection Guidelines states that features used to define the boundaries of a protected structure can often make an important contribution to the quality and character of the building and surrounding streetscape or landscape. It is also noted that minor changes to boundary features may be granted.

10.10.6. Having regard to the minor nature of the works, which do not involve any modifications to Dawn Cottage, it is my view that the proposed works would not negatively impact on the character or setting of the protected structure and are, therefore, considered acceptable.

10.11. **Archaeology**

10.11.1. An Archaeological Impact Assessment was submitted with the application. It notes that there are no recorded monuments with the site. However, there are 3 no. fulachtaí fia (WI025-081 – WI025-83) located in a field immediately north east of the site and that 3 no. Bronze Age settlement sites were previously excavated to the west of the site (17E0554 Ballinahinch 1, 17E0555 Ballinahinch 2 and 17E0557 Ballinahinch 3). The site is, therefore, located within an area of archaeological potential. 13 no. test trenches were excavated within the site. No archaeological finds or features were observed during excavation.

10.11.2. It is noted that the application was to The Minister for Culture, Heritage and the Gaeltacht and there was no response.

10.11.3. In accordance with the recommendation of the Archaeological Impact Assessment, it is my view that having regard to the discovery of 3 no. Bronze Age sites to the immediate west of the site a condition should be attached to any grant of permission that archaeological monitoring of the topsoil stripping be undertaken.

10.12. **Childcare**

10.12.1. The proposed development does not include the provision of a childcare facility. The Ballinahinch Woods development to the west of the site, which is also within the ownership of the applicant included the provision of a childcare facility. The applicant has stated that the childcare facility has capacity for 97 no. children (60 no. full day

care spaces and 37 no. sessional spaces). The building is constructed and awaiting fit out / occupation.

10.12.2. Concerns have been raised by third parties that there are insufficient childcare places in the area. The planning authority recommended that a condition be attached that no dwelling unit be occupied until the permitted creche is open and operational.

10.12.3. Having regard to the information submitted, it is my view that there is sufficient capacity within the Ballinahinch Woods childcare facility to accommodate the demand generated by both the proposed development and the Ballinahinch Woods development. However, it is recommended that a condition be attached to any grant of permission that the residential units not be made available for occupation prior to the childcare facility within the Ballinahinch Woods residential scheme being fully operational.

10.13. ***Part V Provision***

10.13.1. It is proposed to transfer 13 no. units upon completion of the development. The units comprises 5 no. 2-beds, 7 no. 3-beds and 1 no. 4-bed. 4 no. units are duplexes and 9 no. units are houses. The houses are provided in 2 no. terraces, in this regard a terrace of 5 no. houses and a terrace of 3 no. houses located in the centre of the scheme. The duplex are also located in the same block. The planning authority have indicated a preference for houses that are pepper potted throughout the scheme, in groups of no more than 4. If permission is being contemplated, it is considered that this matter can be resolved by way of condition.

10.14. ***Material Contravention***

10.14.1. As outlined above the proposed development would materially contravene the density and unit numbers, and Objective SLO2 of the Ashford Town Plan 2016-2022 and Objective HD15 of the Wicklow County Development Plan 2016-2022. The applicants Material Contravention Statement submitted with the application addresses and provides a justification for the material contraventions to the Ashford Town Plan 2016-2022. In the interest of clarity, the material contraventions are outlined below.

Ashford Town Plan 2016-2022

Density and Unit Numbers: The subject site is zoned R20 - 'New Residential' with the associated land use objective '*to protect, provide and improve residential amenities at a density up to 20 units/ha*'. In addition, Table 1.1: - 'Residential Zoning Provisions' states that '*lands west of Ashford NS at Ballinahinch SLO2*' have the potential to deliver 102 no. units. Therefore, the proposed development, of 133 no. residential units, exceeds the total number of units permissible in the Town Plan. The site has a net density of 31 units per hectare, which is above that set out in the Plan.

Objective SLO2: states that no more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user. The adjoining lands zoned for community / educational use are outside of the applicant's control and it is proposed to fully develop the site.

Wicklow Town Plan 20216-2022

Housing Objective HD 15 requires that within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows. It is proposed to construct 133 no. residential units, in this regard 117 no. 2-storey detached, semi-detached and terraced houses and 16 no. duplex units in 2 no. 3-storey blocks. The proposed housing types do not include any single storey / bungalow units.

10.14.2. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any

local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

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

10.14.3. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i) and (iii) are considered relevant in this instance.

10.14.4. Section 37 (2) (b)(i)

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contraventions are justified by reference to section 37(2)(b)(i) of the act.

10.14.5. Section 37 (2) (b)(iii) - Ashford Town Plan 2016-2020

Density and Unit Numbers

The proposed material contravention to the density and unit numbers as set out in the Ashford Town Plan 2016-2022 is justified by reference to:-

- Objectives 4, 33 and 35 of the National Planning Framework which support the creation of high-quality urban spaces and increase residential densities in appropriate locations, while improving quality of life and places.
- Section 4.7 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 which notes that Self-Sustaining Growth Towns and Self-Sustaining Towns act as important local drivers in providing a range of functions including housing.
- SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased densities.

Objective SLO2

The proposed material contravention to the Objective SLO2 as set out in the Ashford Town Plan 2016-2022 is justified by reference to:-

- Objectives 4 and 33 of the National Planning Framework, 2018, which support the creation of attractive liveable, well designed, and high-quality urban places at an appropriate scale of provision relative to the location.
- Section 4.7 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 which notes that Self-Sustaining Growth Towns and Self-Sustaining Towns act as important local drivers in providing a range of functions including housing.

The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(iii) of the act.

10.14.6. Section 37 (2) (b)(iii) - Wicklow County Development Plan 2016-2022

The proposed material contravention to the HD15 of the Wicklow County Development Plan 2016-2022 is justified by reference to:-

- Objective 13 of the National Planning Framework, 2018 which notes that planning and related standards, including height, will be based on performance criteria that seeks to achieve well-designed high-quality outcomes.
- SPPR4 of the Urban Development and Building Height Guidelines, 2018 which allows for a greater mix of building heights and typologies for the future development of suburban locations.

The proposed material contravention is, therefore, justified by reference to section 37(2)(b)(iii) of the act.

10.14.7. Conclusion

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene the Ashford Town Plan 2016-2022 and the Wicklow Development Plan 2016-2022, would be justified in this instance under sub sections

(i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018, the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 and Urban Development and Building Heights Guidelines, 2018.

11.0 Environmental Impact Assessment (EIA) Screening

11.1. An Environmental Impact Assessment Screening report was submitted with the application and included Schedule 7A information.

11.2. Class (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.)

11.3. It is proposed to construct 133 no. residential units on a site within an overall area of approx. 4.9ha. The proposed development is located on a greenfield site which is not in active agricultural use. The site is located approx. 500m north west of Ashford town centre on the edge of the existing built up area, within the town boundary of Ashford but not in a business district. The area is transitional in character and is bound by both residential, institutional, and agricultural uses.

11.4. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would

use the public water and drainage services of Irish Water and Wicklow County Council, upon which its effects would be marginal.

11.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for residential uses under the provisions of the Ashford Town Plan 2016 – 2022 and the results of the strategic environmental assessment of the Wicklow County Development Plan 2016 – 2022 undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the town boundary of Ashford, which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- the Schedule 7A of the Planning and Development Regulations 2001 (as amended) information submitted with the application.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report was, therefore, not required.

12.0 Appropriate Assessment

- 12.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 12.2. The applicants AA Screening report considered that the Murrough Westlands SAC and the Murrough SPA are the only Natura 2000 areas that lie within the zone of influence of the proposed development as pathways to other areas do not exist.
- 12.3. The following 12 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Murrough Wetlands SAC	002249	c. 3km
Murrough SPA	004186	c. 3km
Deputy's Pass Nature Reserve SAC	000717	c. 7.5km
Wicklow Head SPA	004127	c. 9km
Wicklow Reef SAC	002274	c. 10km
Vale of Clara SAC	000733	c. 10km
Magherabeg Dunes SAC	001766	c. 11km
Carriggower Bog SAC	000716	c. 11.5km
Wicklow Mountains SAC	002122	c. 13km
Glen of the Downes SAC	000719	c. 13.5km
Buckroney – Brittas Dunes and Fen SAC	000729	c. 14km
Wicklow Mountains SPA	004040	c. 14.5km

- 12.4. I am satisfied that 10 no. of these sites can be screened out of any further assessment due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works, the absence of an aquatic connection between the European sites and the proposed development and to the nature and scale of the proposed development. It is my view that, due to the proximity (approx. 3km) of the proposed development site

to both the Murrough Wetlands SAC (002249) and the Murrough SPA (004186) that these are the only European sites that could potentially be affected by the proposed development.

12.5. The Murrough is a coastal wetland complex which stretches for approx. 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to approx. 1km. Habitats on the site include a complex fen system, salt marsh, tidal reed bed, freshwater reedswamp, wet grassland, wet woodland, mudflat, dry heath and dry grassland.

12.6. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Atlantic salt meadows
- Mediterranean salt meadows
- Calcareous fens
- Alkaline fens

12.7. The Murrough SPA comprises a coastal wetland complex that stretches for 13 km from Kilcoole to Wicklow town and extends inland for up to 1 km. It is an important site for wintering wildfowl and supports internationally important as well as nationally important species. It is also important for the populations of rare invertebrate and plant species. Part of the Murrough SPA is a Wildfowl Sanctuary.

12.8. The conservation objective for the SPA is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -

- Red-throated Diver
- Greylag Goose
- Light-bellied Brent Goose
- Wigeon
- Teal
- Black-headed Gull

- Herring Gull
- Little Tern
- Wetland and Waterbirds

12.9. The Murrough Wetlands SAC and the Murrough SPA overlap. The site is located approx. 3km west of both the Murrough Wetlands SAC (002249) and the Murrough SPA (004186), on the opposite side to the M11. An open watercourse runs along the western boundary of the site. This watercourse flows in a southern direction towards the Vartry River, therefore, there is a potential hydrological pathway to the SAC and SPA.

12.10. The applicants Screening Report notes that coastal wetlands are not sensitive to silt pollution and, therefore, effects from the proposed development cannot affect the qualifying interests of the SAC or SPA. The report also notes that standard pollution control measures would be put in place during the construction phase. These measures are not designed or intended specifically to mitigate a potential effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a housing development on any site in order to protect the amenities of the occupants of neighbouring land regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on any site, whether or not they were explicitly required by the terms or conditions of a planning permission. Having regard to the information submitted it is my view that the proposed construction phase would not be likely to have a significant effect on the Murrough Wetlands SAC or the Murrough SPA.

12.11. The surface water drainage system includes standard attenuation, and SUDs features have been incorporated into the design of the development, to ensure that there would be no change to the quantity or quality of surface water run-off from the site. In my view, surface water run-off from the development would not be likely to have any significant effect on the watercourse along the western boundary of the site, or on any downstream habitats or species.

12.12. The foul effluent from the development would drain to the municipal wastewater treatment plant. Ashford is served by the Wicklow Sewerage Scheme, which operates

in accordance with an EPA licence, to ensure that potential effects on the receiving water bodies are strictly limited and controlled. The Ashford Town Plan 2016-2022 states that this wastewater treatment system has a capacity of 34,000pe (population equivalent) and is operating at 17,500pe. Therefore, the proposed development would have a negligible impact on the capacity of the wastewater treatment system.

- 12.13. The applicants AA Screening Report and Ecological Report note that the subject site does not support populations of the species to which the conservation objection of the SPA relate.
- 12.14. Having regard to the site's location in an urban area, the nature and scale of the works, the separation distance between the site and the SAC and the SPA and to the characteristics of the designated sites and the qualifying interests, it is considered that the proposed development would not be likely to have a significant effect on either of the designated sites.
- 12.15. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Murrough Wetlands Special Area of Conservation, European Site No. 002249, the Murrough Special Protection Area European Site No. 004186, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

13.0 Recommendation

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied and that permission is granted for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective for residential development;

- b. The policies and objectives in the Ashford Town Plan, 2016-2022 and the Wicklow County Development Plan 2016-2022;
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- g. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- h. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- m. Architectural Heritage Protection Guidelines, 2011;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26th day of May 2020 by Tom Phillips and Associates, on behalf of Ardstone Homes Ltd.

Proposed Development: The provision of 133 no. residential units comprising 117 no. detached, semi-detached and terraced two-storey houses (21 no. 2-bed units, 48 no. 3-bed units and 48 no. 4-bed units) and 16 no. duplex apartments in 2 no. 3-storey blocks (8 no. 2-bed and 8 no. 3-bed apartments).

Access to the site is proposed via an existing roundabout on the R764. Provision for future connections to adjoining lands is also proposed at the northern and eastern boundaries of the site. 5 no. existing residential boundaries along the western side of the R764, including the boundary of Dawn Cottage, a protected structure (RPS 19-01) are to be realigned to provide for a footpath with associated upgrades of 2 no. pedestrian crossing points.

Associated infrastructural site and drainage works, including foul and surface water drainage, 2 no. attenuation tanks, 263 no. car parking spaces, 4 no. bin and cycle storage units, a bin store, 2 no. ESB substations and all other landscaping, servicing and associated works above and below ground.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Wicklow County Council Development Plan 2016-2022 and the Ashford Town Plan 2006-16.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision:

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

Matters Considered

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

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

Having regard to the following:

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Ashford Town Plan, 2016-2022 and the Wicklow County Development Plan 2016-2022;
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- g. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- h. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- m. Architectural Heritage Protection Guidelines, 2011;
- n. Submissions and observations received;
- o. Chief Executives Report; and
- p. The Inspectors Report.

Appropriate Assessment

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

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for residential uses under the provisions of the Ashford Town Plan 2016 – 2022 and the results of the strategic environmental assessment of the Wicklow County Development Plan 2016 – 2022 undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the town boundary of Ashford, which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- the Schedule 7A of the Planning and Development Regulations 2001 (as amended) information submitted with the application.

the Board 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. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the parameters of density and units numbers, and Objective SLO2 of the Ashford Town Plan 2016-2022 and Objective HD15 of the Wicklow County Development Plan 2016-2022 broadly compliant with the provisions of both the Ashford Town Plan 2016-2022 and

the Wicklow County Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Ashford Town Plan 2016-2022 and the Wicklow County Development Plan 2016-2022 as outlined below: -

Ashford Town Plan 2016-2022

- The density and unit numbers as set out in the Ashford Town Plan; and
- Objective SLO2 of the Ashford Town Plan which states that no more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

Wicklow County Development Plan 2016-2022

- Housing Objective HD 15 of the Wicklow County Development Plan which requires that within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Ashford Town Plan 2016-2022 and the Wicklow County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material

contravention of the Ashford Town Plan 2016-2022 would be justified for the following reasons and considerations:

Density and Unit Numbers

- Objectives 4, 33 and 35 of the National Planning Framework;
- Section 4.7 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031; and
- SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018.

Objective SLO2

- Objectives 4, 13, 33 and 35 of the National Planning Framework;
- Section 4.7 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031; and
- SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Objective HD15 of the Wicklow County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objective 13 of the National Planning Framework; and
- SPP4 of the Urban Development and Building Height Guidelines, 2018

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in

terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 26th day of May, 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

3. The residential units shall not be made available for occupation before completion of the childcare facility is operational within the Ballinahinch Woods residential scheme, unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

4. All rear garden walls shall be 1.8 metres in height above ground level, and shall be concrete block or concrete post and panel, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of the play facilities to be provided in the areas of open space.

Reason: In the interest of residential amenity

6. The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the

installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

9. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

10. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
(c) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

11. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity

12. The proposed new public footpath, including 2 no. pedestrian crossing points, shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility

16. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

17. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and

Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

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

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

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of community infrastructure / community use building to be provided within Ashford. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Elaine Power

Planning Inspector

20th August 2020