



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-308467-20**

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#### **Strategic Housing Development**

232 units (96 houses and 136 apartments), crèche and associated site works.

#### **Location**

Site of c.6.22 ha located between Convent Road and Bellevue Hill (consisting of former Carmelite Monastery Lands), Delgany, Co. Wicklow.  
([www.delganyshd.ie](http://www.delganyshd.ie))

#### **Planning Authority**

Wicklow County Council

#### **Applicant**

Drumakilla Ltd.

#### **Prescribed Bodies**

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority

4. The Minister for Culture, Heritage  
and the Gaeltacht Development  
Applications Unit (DAU).

**Observer(s)**

1. Ada Bradbury
2. Aileen Lennon and Others
3. Andreas Kugler
4. Aisling Callaghan
5. Alan and Denise McDonnell
6. Alan and Isobel Constable
7. Alan Cullen
8. Alex McKnight
9. Alice O'Donnell
10. Alison Boydell
11. Anne Hertz
12. Annette Vaucanson Kelly
13. Ann-Marie Reynolds
14. AP Thompson Barnes
15. Barbara and Lisa Garber
16. Barbara Redmond
17. Bernard and Catherine Moran
18. Blair Sommers
19. Brad MacPherson
20. Breda Dalton
21. Brendan and Yvonne Walsh
22. Bruce Lupton Smith
23. Cameron Clarke
24. Carina Harte Holmes
25. Carmel McDonald
26. Carol Hunter
27. Caroline Henry
28. Carolyn and Simon Thornton
29. Catherine MacNeill and Christian Byrne
30. Charles Lamson
31. Christine Hamilton
32. Cllr Lourda Scott
33. Colin Acton
34. Conal O'Driscoll
35. Daphne Lush
36. Darragh McAleer
37. David and Ali O'Brien
38. David and Ciara Bailey

39. David and Eithne O'Sullivan
40. David and Jaqueline Pierce
41. David and Morag Homer
42. David and Siobhan Laoid Kemp
43. David and Una McGonnell
44. David Curtis
45. David Doyle
46. David Irwin and Alice Shackelton
47. David Lawrence
48. David Pauley
49. Declan and Gemma Morris
50. Delgany Community Council
51. Delgany NS Board of Management
52. Denise and Steven Edge
53. Derek Mitchell
54. Des Carthy
55. Diarmuid and Amanda O'Boyle
56. Donna Fallon
57. Dromont Residents Association
58. Drumkilla Ltd
59. Eamonn Clear
60. Ed and Fiona French
61. Edel Hunter
62. Elaine St John
63. Emma and Peter O'Neill
64. Eoin and Rebecca O'Connor
65. Eoin O Nuallain
66. Evelyn Crawley
67. Finbar Lannin
68. Friends of the Irish Environment CLG
69. Gareth Madden
70. Gerald and Breda McCarthy
71. Gillian and Christopher McConnell
72. Graeme Romer
73. Graham and Jill Lush
74. Harriet Shields
75. Jackie Durbin
76. Jackie Leonard and Dean Haughey
77. Jacqueline Callaly
78. James and Claire Chew
79. James and Orla Leonard
80. James and Pamela Cleary
81. JC Durbin

82. Jeffery Farrar
83. Jennifer and Matthew Kehoe
84. Jim and Angela Molloy
85. John and Bernadette Connor
86. John and Helen Fennessy
87. John and Pamela Brangan
88. John and Tracey Byrne
89. John Burns
90. John Conway and Louth Environmental Group
91. John O'Neill
92. Jonathan and Fiona Tilson
93. Judi O'Callaghan
94. Jun and Grace Wan
95. Karl Stynes and Imogen Thompson
96. Kate Murphy
97. Kay Walsh
98. Keith Scanlon
99. Ken Allen
100. Ken and Theresa Hunter
101. Kerrie and Jason Redford
102. Laili de Buitlear
103. Leo Harmon
104. Lesley O'Callaghan
105. Liam and Moya Maguire
106. Louise Campell and Nicholas Fay
107. Mags Crean
108. Many Ann Bevan
109. Marian Waters
110. Mark and Betty Sherry
111. Mark Wilson
112. Martin and Deirdre Roche
113. Mary and Donal Winters
114. Maura and Frank Davis
115. Maura Cowley
116. Maureen O'Sullivan
117. Michael and Ciara Man
118. Michael and Valerie Hannon
119. Myles Campion
120. Nichola Murphy and Federico Pascual
121. Olive Lawless
122. Pdraig Addison Smyth
123. Pat and Aislinn Creed

124. Patricia Ryan
125. Patrick Collins
126. Paul and Sinead Lowen
127. Pauline O'Connell
128. Rachel Byrne and Other
129. Rachel Dempsy
130. Rachel Dunne
131. Ray and Clare Smith
132. Rebecca Waugh and Eoin O'Ferrall
133. Richard and Mairead McKeown
134. Rob and Gillian Heap
135. Robert and Siobhan Mooney
136. Robert Kelly
137. Robert McQuillan
138. Roisin and Han de Jong
139. Rona Barker and Cyril Claffey
140. Ronan and Ciara Fennessy
141. Rori Coleman
142. Rosemary Turley
143. Sally Ann Dooley
144. Samantha Keogh
145. Seamus and Rita Fitzpatrick
146. Seamus Clear
147. Sean and Jacqui Goff
148. Shaun Ryan
149. Simon and Mary Joyce
150. Simon Harris
151. Sinead Wall
152. Siobhan Tinkler
153. Steven Matthews
154. Susan Manning and William Reilly
155. Teresa Hynes and Duncan Paton
156. Tom Fortune
157. Tommy and Barbara McMackin
158. Tracey Kerr
159. Triona and Barry O'Neill
160. Valerie Lawrence
161. Valerie Madigan
162. Vincent and Margaret Keating
163. Vincent Flynn
164. Wayne Moore
165. Wicklow Planning Alliance
166. William and Elaine Kelly

167. Zoe and David Woodward

**Date of Site Inspection**

22 and 27 January 2021.

**Inspector**

Stephen Rhys Thomas

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## 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 site is located just over 1km east of exit 10 on the N11. The irregular shaped site of 6.22 ha comprises fields to the west and north east of a former convent and associated structures and has varying levels. The site is bounded to the west by Bellevue Hill (L1030) and to the east by Convent Road. There is a change in level of 20m in an easterly direction and a change in level of 10m in north-south direction, the highest point being a stonewall to the northwest. Suburban type housing bounds the southern section of the site with a permitted housing scheme to the north. Opposite the site on Bellevue Hill are single storey cottages fronting the road.
- 2.2. The site is the location of a former Carmelite Convent and comprises a collection of buildings dating from the 1850s. A chapel dating from 1853 (now deconsecrated), a two-storey house dating from 1835-1850, a gate lodge, and outbuildings form part of the overall convent lands. The gardens are now overgrown and there are mature trees of varying condition and hedgerows in and around the site. A large modern extension attached to the Chapel, was permitted in 2003 for residential accommodation. The Delgany Carmelite Monastery is recorded on the Record of Protected structures Ref. 08-15, the Protected structure consists of the Church and attached villa house.
- 2.3. There is a greenfield site located adjacent to the north of the subject site with permission for 89 houses (ABP Ref. 27.248401). The western boundary (Bellevue Hill) comprises a low stone wall and the eastern boundary (Convent Road) consists principally of a railing over a wall. The eastern side of the site wraps around two houses that front Convent Road, one of which is Alba House, a detached three-bay two storey house, built 1910, though listed in the NIAH it is not a protected structure. Adjacent to Alba House is a thatched house listed on the Record of Protected Structures Ref 08-20.



- 2.4. Opposite the main entrance to the site on Convent Road is Convent Court, a residential development of houses and duplex apartments. To the south of the application site is a small estate named Bellevue Lawn which is made up of suburban type houses. Off Bellevue Lawn is a small apartment block, Laurel Grove, which abuts the application site. The subject site is located north of the local village centre of Delgany. The nearest bus stop is located on Church Road, 300m south east of the site. Bus route 184 which has stops located on the R762 (Chapel Road/Priory Road) is a short distance from the proposed development within the centre of Delgany Village. This service runs to Greystones Station and Bray station and has been reconfigured in 2018 to coincide with the dart timetable. Greystones station is a 35-40 min walk at 3km away from the application site or a 12 min cycle. In addition, the application site is 1km from the 84A bus route.
- 2.5. The village of Delgany has local shops, a mini market, cafes, primary school, golf course, walking paths and a heritage trail. In the wider Greystones area and accessible on foot, there are primary and secondary schools, larger shops, sports centres, medical facilities, community provision and direct rail transport links to other parts of the Greater Dublin Area. Delgany Village is defined by a fine and solid building stock with historic character, narrow streets and even narrower footpaths, where they exist. Convent Road in the vicinity of shops and cafes exhibits a high degree of ad hoc car parking, with vehicles parked mostly on the footpath. Overall, the character of the village centre is attractive, the prevalence of cracked and low quality paving and uncontrolled car parking is quite noticeable.

### 3.0 **Proposed Strategic Housing Development**

The proposed development will consist of 232 residential units comprising 96 houses 136 apartments. The proposed dwelling houses comprise a combination of detached, semi-detached and terraced houses between one and two storeys. The apartments are contained within two blocks of between four and five storeys (inclusive of a basement) and five duplex building up to three storeys.

A new vehicular entrance from Bellevue Hill Road to the west of the site and new vehicular access from Convent Road to the east, and pedestrian and cycle connections from the site to north, south east and south west.

The change of use of the Gate Lodge to a management office.

The change of use and extension of a Protected Structure (consisting of a Church and villa) to community/cultural facility and crèche (551 sqm).

The demolition of a modern extension to Protected Structure, demolition of bungalow and demolition of out-buildings (total 1,896 sqm).

The details are as follows:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	6.22 ha
No. of Units	232
Unit Breakdown	1-bed apartment: 28 (12%) 2-bed apartment: 82 (35%) 3-bed apartment: 26 (11%)  2-bed house: 32 (14%) 3-bed house: 44 (19%) 4-bed house: 20 (9%)
Other Uses	Childcare Facility - 68 child places (496 sqm, new and converted space). Management/admin office – 24 sqm Community/cultural space – 128 sqm
Car Parking	420 car parking spaces
Bicycle Parking	364 spaces
Vehicular Access	Three access points, Bellevue and two from Convent Road.
Part V	24 units
Density	38.1 units/ha.

## 4.0 Planning History

### 4.1. Relevant Planning history on the Site:

#### **Planning Authority Reg. Ref. 038224**

Permission granted for new monastery including hermitages, demolition of existing cell block, new entrance gates and driveway, provision of 55 carparking spaces, a meeting room and ancillary accommodation subject to 14 conditions.

#### **Planning Authority Reg. Ref. 20215**

Permission granted to remove three stained glass windows from protected structure and replace with three leaded windows (23/06/2020).

### 4.2. Relevant Planning history in the Vicinity:

#### **ABP-309081-21 Planning Authority Reg. Ref. 20545**

Amendments to the previously permitted residential development (An Bord Pleanála Reference No. PL27.248401 / Wicklow Co. Co. File Register Reference No. 15/1307). The amended development will consist of 92 no. new single, two and three storey dwellings including 5 no. 4 bed detached dwellings, 14 no. 4 bed semi-detached dwellings, 44 no. 3 bed semi-detached dwellings, 28 no. 3 bed terraced dwellings and 1 no. 2 bed terraced dwelling. Appeal lodged January 2021, decision due May 2021.

#### **Ref. ABP 27.248401 and Planning Authority Reg. Ref. 151307**

Permission was granted by the Board and Wicklow County Council for 89 two storey dwellings including 25 no. 4 bed detached dwellings, 28 no. 4 bed semi-detached dwellings, 18 no. 3 bed semi-detached dwellings, 6 no. 3 bed terraced dwellings and 12 no. 2 bed terraced dwellings; for the removal of existing stables, outbuildings and the partial removal and change of use of the existing dwelling (Richview House) to a creche (275sqm) including 8 no. surface car parking space, bin storage, cycle parking and external play area; for the construction of an ESB substation and switchroom (25sqm); for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate road, visitor surface car parking, footpaths, hard and soft landscaping and all site services above and below ground including connection to existing

services (4/10/17). The approved development has a density of c19 units per hectare.

The conditions included inter alia that no dwelling could be constructed until the road and pedestrian connection to the village was completed and that the Planning Authority was to confirm the upgrade of Bellevue Hill R762 designed and no dwelling to be constructed until this was completed.

**Planning Authority Reg. Ref. 18/621**

Permission was granted for construction of 6 no 4 bed 2 storey semidetached units, comprising of 5 no. units at 134 sqm and 1 no. unit at 153 sqm, new vehicle entrance off Convent Road, connection to all existing services, all associated landscaping, car parking and ancillary site works.(August 2018).

This permission provides for the realignment of a section of Convent Road to be agreed with the Council.

4.3. Relevant planning history in wider Delgany-Greystones area

Two Strategic Housing Developments have been permitted by the Board in the wider Delgany-Greystones area.

**ABP REF. PL27 .305773:** "Glenheron C", Greystones, Co. Wicklow Permission was granted for 354 no. residential units (124 no. houses, 230 no. apartments) and associated site works on 19/02/2020. The permitted density was 49 units per hectare.

**ABP REF. PL27 .305476** Farrankelly and Killincarraig townlands, Delgany, Greystones, Co. Wicklow. Permission was granted for 426 no. residential units (245 no. houses and 181 no. apartments), a creche and associated site works on 15/01/2020. The permitted density was 35.7 units per hectare.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place via Microsoft Teams on the 23 July 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-307045-20. An Bord Pleanála issued

notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

### **1. Integration and Linkage**

Show appropriate links to the village core and compatibility with Delgany's architectural and historic character, with particular regard to the proposed layout and boundary treatment along Convent Road. The submitted documentation ABP-307045-20 Pre-Application Consultation Opinion Page 2 of 4 should also show that the proposed development would be consistent with planned improvements to the public realm in the village and along the streets at Convent Road and Bellevue Hill.

### **2. Site Topography**

The documentation submitted with any application should demonstrate how the proposed development would respond to the changes in ground level and how this would affect streets, pedestrian routes, open spaces, landscaping, individual dwellings and their boundary treatments, as well as the treatment of the edges of the scheme as a whole. In particular the location and height of any retaining walls should be clearly shown.

### **3. Surface water drainage**

The submitted documentation, including the proposals for a surface water drainage system and a site specific flood risk assessment, should address the issues raised in the submission from the planning authority including the treatment of the watercourse on the site. The prospective applicant should demonstrate consultation with the relevant authorities concerning surface water drainage.

### **4. Core Strategy**

The submitted documentation should address any proposed material contravention of the provisions of the applicable county development plan and local area plan in accordance with section 8(1)(iv) of the Planning and Development (Housing) Residential Tenancies Act 2016, as amended.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A architectural conservation report to address the impact of the proposed development on protected structures and proposed changes of use.
2. A housing quality assessment and building lifecycle report.
3. Phasing program.
4. Boundary treatments and landscaping plan.
5. AA screening report.
6. Draft construction management plan.
7. Draft waste management plan.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. An Chomhairle Ealaíon

#### 5.4. **Applicant's Statement**

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

##### **1. Integration and Linkage**

The existing site is oriented towards Convent Road and the core of Delgany. The existing Convent property is setback from the road with a solid boundary topped with high railings with a variety of solid planting behind. In relation to a visual link to the core of Delgany, the existing long boundary wall and railing which is not considered of conservation value will be removed. A new boundary will be lower with a lighter railing so that the entire development is visually more connected to the core, making the scheme an integral part of Delgany and removing the “gated” situation that currently applies. A steel gate and solid piers will be removed and a modern entrance designed as an invitation into the scheme and particularly to the protected structure. The wall will be set back to the north of the existing main entrance. The high scrub that has grown behind the railing will be removed and new low, softer more open planting retaining some trees will allow views into and out of the scheme while providing biodiversity and accessibility. Three main connections are located on Convent Road which provide the main direct links and connection to the core and one main access to Bellevue Hill. Five internal secondary connections are proposed as well as secondary access to Bellevue Hill.

The proposed development contributes to the objectives outlined in the Public Realm Plan for Delgany and in particular provides a rejuvenation of the village, create a new centre for the community while also creating a more attractive place to live and work. The reuse of the protected structure as a community facility and for cultural uses will enhance cultural awareness and community identity. This will also reinforce the heritage identity of the area. The foot connections through the village will be expanded by linking Bellevue Hill to Convent Road through the site and onto Church Road and Delgany Wood. Overall, the accessible shared green space for recreation, linking the permitted open space at Richview towards the south west will enhance the heritage trail and improve the potential of tourism in the area.

## **2. Site Topography**

The applicant has prepared a number of site cross sections to illustrate the proposed development in the context of the site characteristics and adjacent development.

## **3. Surface water drainage**

The site-specific flood risk assessment has been updated to address the treatment of the watercourse on the site. The watercourse as a feature has been enhanced in the Landscape drawings and reflects the desire for this area to be a feature and an area rich in biodiversity.

#### **4. Core Strategy**

A material contravention statement has been prepared and is provided as part of the application. The core strategy and density provisions of the Local Area Plan (22 units per ha) have been fully addressed. It is noted that relevant core strategy provisions of the County Plan and the density provisions of the Greystones and Delgany Local Area Plan 2013-2019, also applied to two recent SHDs determined by the Board where a material contravention statement was provided and assessed and where the material contravention issues are the same as the applicable application.

Permission was granted for a SHD Glenherron C 19/02/2020 ABP Ref. 305773 for a density of c 49 per ha also on R22 zoning objective with regard to matters including; the policies and objectives in the Wicklow County Development Plan 2016-2022; the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019; Guidelines for Planning Authorities on Sustainable Residential Development; and the Guidelines for Planning Authorities on Urban Development and Building Heights. The R22 zoning also applied to the recent decision by An Bord Pleanála 15/01/2020 at Farankelly (ABP Ref. 305476) where Board granted permission where a material contravention was applied in relation to the zoning. The Board granted permission for a density of 35.7ha.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 - National Planning Framework**

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

National Planning Objective 13 provides that "in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in



order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

## **6.2. Section 28 Ministerial Guidelines**

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

- ‘Urban Development and Building Height, Guidelines for Planning Authorities’. 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ December 2020.
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) 2020
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

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

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

### 6.3. Regional Policy

6.3.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect on June 28, 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City and suburbs, Regional Growth Centres (Drogheda, Athlone and Dundalk) at the top of the settlement hierarchy and identifies Key Town's in each area with the highest potential to accommodate growth. Other centres lower in the settlement hierarchy including Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns & Villages, and Rural Areas are not specifically identified, and remain to be defined by the development plan.

### 6.4. Local Policy

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

The Wicklow County Development Plan 2016-2022 identifies Greystone/Delgany as a Level 3 (Large Growth Town II) town. The population of Greystone/Delgany is to grow from a current population of approximately 17,208 (2011 Census), to a target population of 21,603 by 2022 and 24,000 by 2028.

County Development Plan (section 11) refers to residential development in general.

Settlement Strategy Objective - SS6 To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Rathdrum, Newtownmountkennedy, Greystones-Delgany and Kilcoole, Blessington.

#### 6.4.2. Local Area Plan

The Greystones and Delgany Local Area Plan 2013-2019 adopted on 2nd September 2013 applies.

The vision is as follows: 'to build on the dynamism between the settlements of Greystones-Delgany and Kilcoole, so that the area develops in a mutually dependent and complementary manner as a prosperous and growing community. Each

settlement shall have a distinct identity and shall perform a function in sustaining its own local community and in providing enhanced opportunities for the creation of new local enterprise. The area shall be a high quality, attractive and sustainable place to live, visit and conduct business. The combined area shall maximise the potential opportunities associated with its strategic location at the edge of the Dublin Metropolitan Area.'

The site is located on lands with the zoning objective R22, the objective of which is as follows: To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity. A zoning matrix is not included in the plan. The development management section of the planning authority shall determine each proposal on its merits and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses generally appropriate for residential zoned areas include education and community facilities, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (section 11).

There are protected structures on the site and they include RPS reference number 08-15 Delgany Carmelite Monastery (House and Monastery), described as an early-19th Century, top-entry house of three bays with a high basement, painted rendering with drip labels over sash windows, parapet hiding the roof. On the left-hand side is a two-storey wing and then a seven- bay, three-storey wing wall with drip-labels over sash windows. On the right-hand side is a mid-19th Century chapel built of granite ashlar. To the immediate east of the site is located a thatched house listed on the RPS as reference number 08-20, described as a long, single-storey thatched house with deep thatch. The age of the house is unclear but it has been remodelled in the twentieth Century.

## **6.5. Applicant's Statement of Consistency**

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

## 6.6. Applicant's Material Contravention Statement

- 6.6.1. The Applicant has submitted a statement to address areas where the development departs from the relevant development plan and could be considered a material contravention of said plan. Specifically, that the proposed development of 38 units per ha, though in accordance with the NPF, the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas", the Design Standards for New Apartment Guidelines and Urban Development and Building Heights – Guidelines for Planning Authorities, the density of the proposed development may be considered inconsistent with and materially contravene the R22 density objective. In addition, the provision of apartments outside Delgany Village centre may conflict with RES5, that specifies where apartments should be located.
- 6.6.2. The applicant sets out how the development can be justified under the various criteria required by section 37(2) of the Planning and Development Act 2000 (as amended). Firstly, that under section 37(2)(b)(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area and any relevant policy of the Government, the applicant outlines that the National Planning Framework and National Strategic Outcome 1 – Compact Growth and National Policy Objectives (NPO) are most relevant. The following NPOs are mentioned:
- NPO 3(a) – deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
  - NPO 4 – create attractive, liveable and well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
  - NPO 5 - develop cities and towns of sufficient scale and quality.
  - NPO 6 – regenerate and rejuvenate cities and towns so that they can accommodate increased residential population.
  - NPO 11 - presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages

- NPO 13- introduced the concept of higher buildings and lowered parking standards where 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.
- NPO 34 - supports the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time which is met by providing a mix of unit sizes and types in the area and by the provision of houses which have the potential to be adapted to the varying needs of households and include the potential for amending layouts and provision of extensions.
- NPO 35 - critically seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.7. Justification for the development is also found in the County Development Plan core strategy insofar as Greystones-Delgany is designated a 'Large Growth Town 2' with a target population for Greystones/Delgany is set out in table 2.4 as 21,603 in 2022 up to 24,00 in 2028. Growth is forecast for the area and the proposed development falls within these parameters.

6.8. Sustainable Residential Development in Urban Areas 2009. The appropriate density for the area is 35-50 dwellings per hectare. It should be noted that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

6.9. Urban Development and Building Heights – Guidelines for Planning Authorities 2018. SPPR 4 states that new housing development shall have a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more. In

this regard both the proposed density and proposed apartments are justified on this site within an existing settlement.

- 6.10. With regard to section 37(2)(b)(iv) and specifically to density, the applicant cites recent grants of permission for SHD development in the area, where a material contravention of the same R22 zoning was considered acceptable by the Board. In this regard, it is suggested that the proposed development should be granted having regard to the pattern of permissions granted in the area since the making of the development plan pursuant to s.37(2)(b)(iv) of the Planning and Development Act 2000, as amended.

## **7.0 Observer Submissions**

- 7.1. 167 valid submissions were received, most were made by individuals worried about their locale and containing similar themes and concerns, some observations were from residents' associations, a local school and others from the local community council and finally some observations were made from other interested parties with no stated links to the area.

- 7.2. For the most part, observers are against the scale and density of the development and the problems that will result in terms of traffic congestion and a perception that the character of Delgany Village will be lost. However, a small part of many submissions supports the provision of a new plaza for the village centre, new playgrounds, the variety of house types and the provision of a community centre. A large number of observations covered similar ground and followed a set layout with individual additions in some cases. In broad terms the planning issues can be summarised as follows:

### **7.2.1. Density and Scale**

Density is far greater than that planned for the site. Greystones is better suited to the kind of density proposed, not Delgany, this is exemplified by recent permissions (Glenheron C and Farrankelly).

The justification that greater density at this location is out of step with the recently published Regional Guidelines that do not highlight Delgany for further growth.

The NPF sets out NPO 18a, with regard to rural town living, this objective would not support the density and scale of development proposed and so therefore, the NPF does not actually support the proposal.

Scale of development is out of character with adjacent village.

A failure to understand how such a development could be permitted before key infrastructural improvements (roads, services etc) are delivered.

#### 7.2.2. Roads and Traffic

Roads and pedestrian infrastructure in Delgany is already below standard and will not be able to cope with such an increase in development. Bellevue Road is substandard with a collection of non-compliant road junctions, adding houses and a new junction will make matters worse. Walking around Delgany Village is not comfortable as existing footpaths are too narrow and traffic speeds are too fast.

Local road improvements, such as Glen Road to Kilcarrig Junction have not been carried out. Convent Road should be one-way and this would help matters in the village centre, from a traffic and pedestrian comfort perspective.

The Traffic Impact Report has not analysed all relevant junctions in the wider area and its assumptions and conclusions are under-estimated.

The site is not fully permeable to vehicle traffic, such a through road could alleviate traffic in the area and would comply with DMURS.

The construction phase of the development will be extremely problematic, given the nature and character of the existing road infrastructure. There have been a large number of developments granted permission in the wider area and concerns are expressed about construction traffic in general. It would be advisable that no construction traffic is permitted to access the site through the village, rather a router from the north would be safer and preferred.

The assumption that future residents will use public transport is unrealistic, despite being located close to a bus stop and the already over-subscribed Dart at Greystones. The amount of car parking spaces only serves to encourage rather than discourage more sustainable forms of transport. A change to homeworking and less commuting should be considered.

The current parking situation in the village is very bad, therefore, more car parking spaces should be provided, as part of this development, along Convent Road/Chapel Road.

The proposed development is not designed in accordance with the principles of the Design Manual for Roads and Streets.

#### 7.2.3. Residential Amenity

Concerns are expressed about the removal of trees and the impact this might have on the structural integrity of boundary walls. Overlooking into back gardens will result from the proximity of planned houses.

#### 7.2.4. Visual Amenity

The development will impact upon the architectural character of Delgany, an ACA.

Views across the open landscape from Bellevue Road will be lost.

The scale and design of the proposed development is out of character with surrounding development and Delgany Village in particular.

The centre of Delgany village has no sizable public open spaces, the provision of a new plaza along Convent Road is welcomed, however, the play area could be larger and allotments should be provided.

#### 7.2.5. Commercial, Social and Community Infrastructure

There is a lack of school places in the area. Delgany Village lacks many essential services such as a Health Centre, nursing home or sheltered housing. There is insufficient retail and commercial development in the Village to support the scale of development proposed.

The provision of a community meeting space is welcomed, however, its management and funding require clarity.

#### 7.2.6. Services

Flooding is a concern shared by many residents on the boundary of the site, photographs show flooding of the Convent Field at the north eastern end of the site. The treatment of the Convent Stream at the eastern end of the site is unclear. The extent of retaining walls may have an impact upon groundwater levels.



Water supply in Delgany is already problematic.

#### 7.2.7. Ecological Impact

Inland Fisheries Ireland lodged an observation that highlights the site is located within the catchment of the Three Trouts River, part of an important salmonid system. The location of a stream through the site is noted and should be left in an open state with landscape design features that prevent habitat loss, preserve biodiversity and aid local pollution detection. Best practice surface water management measures are highlighted throughout the construction phase and operational phase of the development. All mitigation measures outlined in section 7.2 and 7.7 of the Ecological Impact Assessment should be contained in a CEMP. In addition, section 6 and 7 of the Invasive Species Management Plan should be part of a condition

The Ecological Report submitted with the application does not adequately describe the richness of biodiversity that will be lost. The treatment of the Convent Stream (a tributary of the Three Trouts Stream), has not been adequately addressed in any reports. The removal of this site will impact local biodiversity.

The reports submitted have not identified all aquatic species that lie downstream, such as amphibians and molluscs. The Bat Survey submitted is incomplete and there are inconsistencies with the Ecological Impact Assessment report.

Disagreement that the proposed development will not impact upon the Glen of the Downs Nature Reserve. Screening for AA, the conclusions reached in the AA Screening report vary from the findings of the Ecological Impact Assessment, an NIS should be required. Distance has been used to conclude no requirement for an NIS, whereas no assessment of impacts to the conservation objectives of such sites has been made. The AA Screening report does not contain enough information to reach the conclusions offered.

No assessment has been made of the environmental and climate impact of the proposed development.

#### 7.2.8. Procedural Issues

Some site notices were not properly located and thus not easily visible.

#### 7.2.9. Legal Issues

The public have been unable to participate at all levels of the process, notably during the consultation phase held under section 6 of the 2016 Act. Environmental issues and concerns not raised, a legal case is cited, *An Taisce v An Bord Pleanála and others*. Because the public could not participate fully, specifically in terms of environmental matters, the application is unlawful.

Because the application materially contravenes the land zoning, the Board cannot grant permission.

If granted permission, the densities expressed in the plan and subject to SEA would be breached, in doing so the Board would have to explain why it chose not to apply an EU law (SEA Directive).

There is a lack of justification under section 9(6)(c) of the Act, there is adequate provision in the core strategy to permit development, there are no objectives in higher plans to pursue higher densities at this location.

The applicant has not complied with the Habitats Directive, in this regard the Bat Survey is incomplete.

The EIA Screening report is flawed, the proposed development has been assessed under the wrong legislative provisions, Part 23 not Part 10 of the regulations should have been used. An appropriate statement has not been provided by the applicant under paragraph 299B of the 2001 regulations and the Board should refuse to deal with the application.

- 7.3. Observations were accompanied by detailed analysis of the traffic situation, a local resident survey, extracts of online posts on open forums, photographs detailing traffic congestion and flooding, architectural heritage and impacted views. I have considered all of the documentation included with the above observations.

## 8.0 **Planning Authority Submission**

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 15 December 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected

members of the Greystones Municipal District Council on foot of a presentation made on the 26 November 2020 and is outlined as follows:

- Criticism of the entire SHD process, the lack of any delivered houses and an oral hearing should be held.
- The proposal does not accord with sustainable development or national, regional and local plans.
- The proposed density is too high and the core strategy will be breached. The development is material contravention of the plan.
- There is a lack of school places and childcare in the area.
- The proposal to provide community space is not detailed enough.
- The proposed development will add to traffic congestion, increase volumes at key junctions and there is a lack of pedestrian and cyclist facilities in the area.
- The loss of trees, bats and wetland areas have not been fully explained in the documents that accompany the application.
- The design of the development is not appropriate.

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

Core Strategy – the proposed development would accord with the current County Development Plan Core Strategy.

Zoning Objectives and Intensity of Development – the proposed residential and crèche uses are acceptable. The extension outwards from Delgany town centre is considered logical and acceptable from a phasing perspective. The gross density of 28 units per hectare exceeds the LAP maximum of 22 units per hectare, this is a material contravention of the plan and is not supported.

Phasing – road infrastructure should be delivered before units are occupied.

Design/Visual Amenity/Boundaries – the proposed development would not impact on the Delgany ACA. The overall design and mix of units are acceptable, though some concerns are expressed in relation to the proximity to the protected structures on the site. Development at the boundary of the site is acceptable, particularly at the

interface with a thatch cottage (Protected Structure), at the east of the site. Details concerning retained boundaries is required.

House Type and Tenure – the level of 3 and 4 bed units is below targets set in the LAP, single storey units are welcomed.

Public Open Space – 16% provision of open space is acceptable, design and layout of open space is satisfactory given the gradients involved, some refinements necessary in the vicinity of units 53-69.

Communal Open Space – acceptable and in accordance with guidelines.

Private Open Space - acceptable and in accordance with guidelines.

Protected Structures – demolition works should be overseen by a Conservation Architect. The position of the apartment block to the rear of the Monastery Chapel and House would be visually dominant and undermine the setting of these structures.

Childcare/Community Facility – the proposal to re-use the chapel and house for childcare/community use is acceptable. However, the ongoing management of the community aspect of the development is questioned, the lack of toilet facilities is highlighted and Wicklow County Council will not manage this facility.

Part V – acceptable subject to agreement.

Biodiversity – the loss of some trees is inevitable, and the analysis submitted is acceptable. The retention of boundaries (stone walls or hedgerows) is acceptable, and any works should be overseen by an Ecological Clerk of Works. A derogation licence will be required in relation to Bats.

Archaeology – standard requirements should be met in relation to testing and monitoring.

Impact on Amenities – given the setbacks at boundaries, it is unlikely that there will be any impacts to existing property. However, the boundary treatments to the rear of units 9-16 require clarification to ensure no loss of light to property along Convent Road.

Roads and Accessibility – broadly acceptable, improvements to the junction of Bellevue Road with Glen Road should be completed before development

commences on this site, footpaths improvements along Bellevue Road should be completed prior to the occupation of any unit, sightlines for minor entrances along Bellevue Road require detail and a construction traffic management plan is required. Public lighting should be continued along Bellevue Road, pedestrian and cyclist permeability through the site is acceptable, car and cycle parking is acceptable.

Services – no history of flooding on site, SUDS features welcomed.

The submission of AA and EIA Screening reports are noted.

8.3. The planning authority conclude that the proposed development is not acceptable and recommend four reasons for refusal to do with residential density and a material contravention of the LAP; the negative impact of the proposed apartments on the protected structure; units 9-16 will impact on the amenity of existing dwellings; and the operation of the community space in the long term has not been explained. The four refusal reasons are set out as follows:

1. The density of development would materially contravene the zoning objectives for the lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 je. R22 -Residential: Objective: To provide for the development of sustainable residential communities up to a maximum of 22 units per hectare and to preserve and protect residential amenity.
2. The Apartment Units to the rear of Delgany Carmelite Monastery House and Monastery a Protected Structure will form a dominant feature, and have a negative impact on the setting of the structure.
3. Change in levels and boundary treatment with respect at units 9-16 are likely to give rise to negative impacts on the existing dwellings abutting this boundary.
4. It has not been fully shown that the Community Space can be operated meaningfully in the longterm.

8.4. In the event that permission is granted 22 conditions are recommended. The planning authority recommend standard and technical conditions in common with larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: phasing of road

improvements in the area, amendment to units 9-16, access to community space, archaeology, and bat mitigation conditions.

## 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:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. An Chomhairle Ealaíon

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 20 October 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. A Statement of Design Acceptance has been issued and relevant items to be contained in a condition are suggested.
- **The Minister for Culture, Heritage and the Gaeltacht Development Applications Unit (DAU)** – with regard to the archaeological potential of the site, standard conditions are recommended in line with the findings of the Archaeological Impact Assessment Report submitted with the application.

With respect to Nature Conservation the following comments are made:

AA Screening - there are eight Special Areas of Conservation (SAC) and three Special Protection Areas (SPAs) within a 15km radius of the site, contrary to Table 2.3.1 of the applicant's AA screening report, Peregrine falcon (*Falco peregrinus*) and Merlin (*Falco columbarius*) are not Qualifying Interests of Wicklow Mountains SAC and Ring Ouzel (*Turdus torquatus*) and

Red Grouse (*Lagopus lagopus*) are not Special Conservation Interests for Wicklow Mountains SPA. Having reviewed the report, however, the Department considers that these errors do not materially affect its findings.

Invasive Species Survey and Management Plan - the Department remind the applicant of their obligations under Birds and Habitats Regulations (2011), specifically with regard to Japanese Knotweed. The Department notes that plan produced by Faith Wilson states that the locations where the Japanese knotweed is found are within the lands to be retained as open space, avoiding disturbance from construction works and this is preferable. The Department recommend the production of an updated management plan to take account of statutory and regulatory requirements in relation to invasive species.

Bat Survey Report – the contents of this report are noted, and the Department outline the steps necessary during construction and after to ensure that all mitigation measures are carried out and overseen by a Project Ecologist.

Ecological Impact Assessment – the intention to retain the stream through the site in an open format is welcomed. Any benching or boardwalk should be at least 10 metres back from the stream bank. It is however, noted that engineering drawings that show the stream culverted have not been included in the EclA and no consideration has been given to reopening culverted portions of the stream. If culverting is proposed, the Department considers that a suitably designed culvert with mammal shelves or ledges, are generally more appropriate than piped culverts.

Landscape Report - New hedging and hedge reinforcement must comprise native species of Irish origin only in order to ensure there is no net loss of biodiversity due to the removal of hedgerows due to the development. Any new tree planting must accord with the “Pollinator Friendly Planting Code – Professional planting recommendations” of the All-Ireland Pollinator Plan 2015-2020, the utilisation of Beech (*Fagus sylvatica*) is not acceptable.

- **An Taisce** the proposed development will be reliant on private car usage and be in opposition to smarter travel principles. The site is not located close to good public transport links and no improvements are envisioned in the short term. There is a lack of local amenities within walkable distances of the site.

The next county development plan and core strategy are in draft stage and if the regional plan's asset test are applied, this site should be developed until adequate infrastructure is in place. The example of primary and secondary school shortfalls are cited and the lack of supporting infrastructure for new residential communities is highlighted. The Board should have regard to the Climate Change and Low Carbon Development Act, the Climate Change Plan 2019 and Planning Policy Guidelines 2015.

## 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 national policy and the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local area plan. In addition, the assessment considers and addresses issues raised by all the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Zoning and Density
- Material Contravention
- Design and Layout
- Residential Amenity
- Heritage
- Traffic and Transport
- Local Amenities
- Water Services
- Other Matters

### 10.2. **Zoning and Density**



- 10.2.1. Zoning - The site is located on lands subject to a single land use zoning in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. The entirety of the site is located on lands zoned R22: Residential - To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity. The proposed residential, community and childcare uses are acceptable at this location, neither the planning authority nor the majority of observers dispute this. It is evident that the proposed development of residential/childcare/community uses as outlined by the applicant are entirely suitable at this location, at the edge of Delgany Village centre. Any argument put forward by a minority of observers that the proposed development is a material contravention of the respective development plan in terms of land use zoning is incorrect. I am satisfied that the format of residential and associated uses proposed by the applicant are entirely compliant with the land use zoning for the site.
- 10.2.2. Density - The LAP, the operative plan for the area, highlights that though residential development is acceptable at this location, the density of development should not exceed 22 units per hectare. This would mean that based upon the area of the site, 6.22 hectares, the residential yield for the site would amount to 136 units. The proposed development is for 232 units and this corresponds to a gross residential density of 37 units per hectare. A very large proportion of observers are entirely opposed to the scale of development and especially the residential density advanced by the applicant. Local residents want something more in keeping with the prevailing low density housing in the area and at least in compliance with the density parameters outlined by the development plan. Observers are extremely unhappy that the proposed development is far in excess of that planned for the site and state that this is a material contravention of the plan. The planning authority also conclude that the development cannot be considered anything other than a material contravention of the LAP with respect to residential density and recommend a refusal reason in this respect.
- 10.2.3. In relation to density, policy at national, regional and local level seeks to encourage higher densities at appropriate locations. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities

in settlements, through a range of measures. I consider that the application site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.

- 10.2.4. In relation to Section 28 Guidelines, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020), 'Urban Development and Building Height, Guidelines for Planning Authorities' 2018, and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 10.2.5. Applying the criteria within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), Delgany as part of the Greystones – Delgany Large Growth Town 2 agglomeration with a population of over 17,000 and located in the Dublin City and Metropolitan Area as defined by the Regional Spatial & Economic Strategy would fall within the cities and larger towns category (defined as those with a population of over 5,000 persons). I consider the proposal site can be defined as an 'institutional lands' site, given that is the site of the former Carmelite Order in Delgany. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) set out a net density range of 35-50 units per hectare for such sites with the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts at up to 70 dwellings per hectare. The proposed density of 38 units per hectare (there is little difference between the net and gross figures for this site) is within this range, the provision of a significant linear green spine and plaza around the protected structure fulfil the open character requirement.
- 10.2.6. The Guidelines go on to set out general goals such as to prioritise walking, cycling and public transport, and minimise the need to use cars and to provide a good range of community and support facilities where and when they are needed and that are easily accessible. The site is located at the edge of Delgany Village centre, a location that provides a variety of local retail, restaurant/café and other services including a primary school and a church within easy walking distance. Further afield, to the east are the commercial and leisure facilities associated with south Greystones. The proposal is therefore in line with this guidance.

### 10.3. Material Contravention

10.3.1. In anticipation that the proposed development at 38 residential units per hectare would contravene the LAP, the applicant has prepared a Material Contravention Statement and as is required advertised this fact in public notices. In this statement the applicant outlines the following:

- that under section 37(2)(b)(iii) permission for the proposed development could be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area and any relevant policy of the Government, the applicant outlines that the National Planning Framework and National Strategic Outcome 1 – Compact Growth and National Policy Objectives (NPO) are most relevant. Justification for the development is also found in the County Development Plan core strategy insofar as Greystones-Delgany is designated a 'Large Growth Town 2' with a target population for Greystones/Delgany is set out in table 2.4 as 21,603 in 2022 up to 24,00 in 2028. Growth is forecast for the area and the proposed development falls within these parameters.
- In terms of section 28 guidelines such as the Sustainable Residential Development in Urban Areas 2009, the appropriate density for the area is 35-50 dwellings per hectare. It should be noted that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.
- The Urban Development and Building Heights – Guidelines for Planning Authorities 2018, sets out SPPR 4 that states new housing development shall have a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more. In this regard both the proposed density and proposed apartments are justified on this site within an existing settlement.
- Finally, with regard to section 37(2)(b)(iv) and specifically to density, the applicant cites recent grants of permission for SHD development in the area,

where a material contravention of the same R22 zoning was considered acceptable by the Board. In this regard, it is suggested that the proposed development should be granted having regard to the pattern of permissions granted in the area since the making of the development plan pursuant to s.37(2)(b)(iv) of the Planning and Development Act 2000, as amended.

10.3.2. Many observers are concerned that the proposal exceeds the residential density envisaged in the LAP and if granted a material contravention of the plan would occur. The planning authority also consider that the proposed development would materially contravene the local area plan and state the following reason for refusal:

*The density of development would materially contravene the zoning objectives for the lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 i.e. R22 -Residential: Objective: To provide for the development of sustainable residential communities up to a maximum of 22 units per hectare and to preserve and protect residential amenity.*

10.3.3. I agree that the proposal, in terms only of the numeric value of 38 residential units per hectare materially contravenes the zoning objective for the lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, R22 -Residential: Objective: To provide for the development of sustainable residential communities up to a maximum of 22 units per hectare and to preserve and protect residential amenity. In addition, I note that the core strategy of the development provides significant headroom to allow for development, Greystones/Delgany has a housing unit growth requirement of 5,034 units by 2028 under its core strategy. The planning authority agree and state the quantum of residential development would be in line with the current County Development Plan Core Strategy. Consequently, I am of the view that the Board can grant permission for the development having regard to the provisions of Section 37(2)(b) of the Planning and Development 2000 (as amended).

10.3.4. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

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

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

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

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

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

*(iii) permission for the proposed development should be granted having regard to regional 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.*

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

10.3.9. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding

Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

10.3.10. In relation to the matter of conflicting objectives in the development plan, I note that the aim of Objective HD5 of the Development Plan states that in order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands, could potentially conflict with the limitations in density contained within R22 of the LAP. It is not entirely clear to me, why residential densities should be limited at this location so close to amenities and services and on institutional lands that can accommodate significantly higher densities than that planned for. However, there is a statutory plan framework for the area, that is logical and concise for the most part, I do not intend to invoke section 37(2)(b)(ii) of the Act in this instance.

10.3.11. In relation to regional planning guidelines for the area, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

10.3.12. In relation to Section 28 Guidelines, of particular relevance are the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), that supports increased densities in appropriate locations, and I have assessed the proposal in relation to same, section 10.2 above.

10.3.13. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I am aware of a single planning permission granted immediately north of the site for 89 houses at a residential density of 19 unite per hectare, ABP reference PL27.248401 refers. Of interest but not relevance, a revised version of this permission is currently on appeal, reference ABP-309081-21, however, the density of development changes little. There have been two large scale Strategic Housing Development (SHD) permissions in the Greystones/Delgany & Kilcoole Local Area Plan: ABP-305476-19 – 426 dwellings and ABP-305773-19 354 dwellings. However, these permitted developments are a significant distance from the subject site. Even though the R22 objectives of the LAP refer to these sites

as they do to the subject site, I do not intend to draw comparisons in such a way as to invoke section 37(2)(b)(iv) of the Act in this instance.

10.3.14. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to invoke the material contravention procedure, as it relates to Development Plan and Local Area Plan policies pertaining to residential density, I consider that the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal.

#### 10.4. Design and Layout

- 10.4.1. The site comprises the former Carmelite Convent Lands at the centre of Delgany. The landscape is a combination of open grassland, with level changes and punctuated by groups of trees, old estate walls and the convent buildings (protected structures). The applicant has prepared a variety of material to rationalise the finalised design proposal. In essence, the design seeks to create a domestic fringe to the site by locating single and two storey houses, and open spaces at the site perimeter backing onto existing houses. Taller structures such as the duplex and apartment units are located at the centre of the site and along the proposed green spine open space and to the rear of the protected structures. Three vehicular entrances are proposed, one from the west and two from the east, with a number of pedestrian/cyclist only access points to increase the permeability of the site. Specially, I note that pedestrian entrances are proposed to the adjacent development site to the north and this should be encouraged, an appeal currently resides with the Board in relation to that site, ABP-309081-21 refers.
- 10.4.2. Open spaces are provided throughout the scheme, with a large area combined with a new civic plaza at Convent Road to the front of the Chapel, numerous pocket parks and the linear green spine that runs through the entire scheme. Other public open spaces are found at the margins and are more of a visual amenity together with buffer space for tree retention and are to some degree also usable spaces.
- 10.4.3. Local residents are upset that the layout and design of the development is very different to the existing form and character of the area. This is more a reflection of the moderate density proposed rather than the layout and design of the scheme. I

find the layout and the design of the scheme to be logical and legible from an urban design perspective and a good response to the constraints of level changes and the opportunities presented by the protected structures on the site. Houses and apartments are proposed, none are particularly over-scaled. For instance, I note that the apartment units are four storey over a semi-basement in order to address the gradients of the site. This is not a particularly tall structure and I note three storey apartment buildings along Convent Road to the south of the site. Observers have raised issues at the scale and height of apartments proposed and are disappointed that high rise buildings are proposed in an area where there are none. The applicant has proposed a variety of home types, none of which are taller than four storeys or 16 metres in height. Though the apartment units proposed are a new departure for residential units in the area, they are not high rise. The LAP states that standards that relate to massing, height and design will be guided by the need to fit with the fabric of the area. Recent national guidelines have identified that some development plans are conservative in their approach to both density and height, the two are connected. The Building Height Guidelines explain that such concerns have resulted from local-level concerns, like maintaining the character of an existing built-up area. The guidelines go on to explain that if much of the future development in and around existing urban areas, where two- storey development is currently the norm, was of four-storey form as the default objective, it would be possible to provide substantially more population growth within existing built-up areas where there is more infrastructure already in place. This is such a case. As a precaution to ensure good design and amenities are not eroded, the guidelines set out standards for building height in suburban/edge locations and this is underpinned by SPPR4 that states

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

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*



*3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

This is such a case, and I am satisfied that high levels of individual building design in terms of apartment and duplex types in terms of urban design have been achieved by the applicant. The proposed development will not adversely impact upon the visual amenities of the area and in fact I am satisfied that the approach taken by the applicant to create a new streetscape will be beneficial to the area.

10.4.4. Open spaces are well overlooked and usable in the main, house types are designed to turn corners and open onto spaces. The scale of each building block is such that the perception of an impenetrable street wall should not occur. The stepping down to a domestic scale at the interface with existing two storey development is respectful and the provision of taller buildings and greater massing at the centre is logical. The retention of trees will be important for this development and these have been included in the landscape masterplan. I am satisfied that the design approach to the layout of this site is acceptable for this site and this location.

#### 10.5. Residential Amenity

10.5.1. Future Residents - The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings and apartments. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation submitted by the application, all house types significantly exceed the relevant floor areas advised.

10.5.2. In nearly all cases, over 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer, either landing windows or obscured glazed windows are provided, and this is satisfactory.

- 10.5.3. In terms of private open space, garden depths are mostly provided at a minimum of 11 metres and according to the schedule provided by the applicant result in between 52 up to 210 sqm across all house types. A very small number of rear garden depths are as low as 5 metres but are associated with large detached or semidetached houses with side access. In all of these cases where garden depths are quite shallow, there are wider parts to the rear garden that extend up to 11 metres. The exception to this case is unit 95, house type A2 on plot 95 is located on a small garden site at the entrance to the scheme from Bellevue Road, I have some concerns that it has been wedged into a location that is between the main vehicle entrance to the western portion of the site and a pedestrian link to new development to the north. I consider the removal of plot 95 and its integration into the start of linear open space to be both beneficial to the overall development and ensure residential amenity. In general, the rear gardens associated with dwellings vary in shape and area and provide in excess of 60 sqm in most cases, the minimum sought by guidelines. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.
- 10.5.4. The proposed development includes 136 apartments that comprises 84 apartment units in two blocks and 52 duplex-apartments in five three storey blocks along the central spine of the scheme. All blocks are arranged around a central linear communal amenity space and public open spaces with play areas and seating areas. The Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are provided with balcony spaces that range from 5.5 to 7 sqm, just meeting minimum standards. Duplex units have more spacious private amenity spaces at 14 to 20 sqm, all to an acceptable standard.
- 10.5.5. All blocks are specified with a combination of zinc/metal press, smooth plaster finish and selected light grey or red brickwork, this is an acceptable format. All duplex apartment units are dual aspect, of the 84 apartment units, 48 are single aspect. Of the 48 single aspect apartment units, nine 1-bedroom units have a predominantly north aspect. The guidelines state that north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or

formal space, or a water body or some other amenity feature. In this regard, of the mainly north facing units, nine units (block H1 units 154, 155, 156, 178, 179, 180, 190, 191 and 192) are provided with large amounts of glazing and face across an area of private amenity space and a linear open park space beyond, this is acceptable.

- 10.5.6. The Duplex and Apartment portion of the Housing Quality Assessment and section 14.4 of the Planning Report deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with apartment blocks are 2.7 metres across all floors and duplex units provide 2.8 metres at ground floor and more than 2.4 metres at first and second floor levels, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m and 90 sq.m for a 3 bedroom unit. The accommodation schedule shows that this has been exceeded by more than the minimum 10% in all duplex apartment units. All apartment units are greater than the minimum floor areas required and more than 50% of units exceed the floor area requirements by more than 10%. The proposed duplex and apartment units are all in excess of the minimum floor area standards (SPPR 3), with a small minority close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In terms of the residential amenity value of the apartment component of the scheme, I am satisfied that the location and layout of the duplex apartment blocks is satisfactory, no amendment or adjustment to design by condition is necessary.
- 10.5.7. The planning authority raise no particular opposition to the residential amenities offered to future occupants, subject to standard conditions, the proposed development is acceptable.
- 10.5.8. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of

apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.5.9. Finally, I note that permitted development is located along the north western perimeter of the site on lands known as Richview. The proposed development has been designed with the permitted houses and open space associated with this development and I have no concerns about the residential amenities of the future occupants of that scheme.

10.5.10. Existing Residents - The proposed development will be located on lands that have been in use by the Carmelite Order for many years, predominantly the convent buildings, yards, pleasure/meditative gardens, productive gardens and grazing land. For the most part the site has quietly occupied the space at the boundaries of surrounding suburban type development, this is about to change. Most if not all observers raise concerns about the density and scale of development in the broadest terms as being a bad thing. However, a number of observers right at the boundary of the site have strong residential amenity concerns, such as the loss of privacy and details concerning the future structural integrity of boundary walls. In addition, the planning authority have serious concerns that single storey units along the eastern boundary of the site will negatively impact upon residential amenities and recommend a reason for refusal as follows:

*Change in levels and boundary treatment with respect at units 9-16 are likely to give rise to negative impacts on the existing dwellings abutting this boundary.*

It is this interface area and others that I concentrate in my assessment that follows.

10.5.11. There are five locations where development will occur close to existing property and these are at two detached dwellings (Four Winds and Oakdene) along Bellevue Road, houses at Bellevue Lawn, units at Laurel Grove and Lynn House/Cottage, Alba and Creech Barrow along Convent Road and detached properties along the northern portion of the site at namely Moymell, Tign Man Yi, Hollybrook and Gorteen Lodge.

10.5.12. A large portion of open space is proposed adjacent to units 108 and 109 at the western end of the site. This large area of open space will be adjacent to Four Winds and Oakdene and will act as a significant buffer, limiting any impacts from loss of privacy through overlooking. In addition, I anticipate no impacts from

overshadowing or overbearing appearance as house type F1 and HTI3 are two storey houses. The linear piece of open space will be well overlooked, particularly by unit 108 that has a side aspect for this very reason. A pedestrian link will provide access from Bellevue Road across the site through this piece of open space and so the boundary treatment between the open space and private property should be stout and attractive in appearance. I anticipate no loss of residential amenity to existing residences at this location as a result of the development as proposed, no changes warranted.

10.5.13. Bellevue Lawn is an established and small housing estate comprising detached dwellings set at an angle to the road. Numbers 13-18 are at the end of the cul-de-sac and back onto the Convent lands. All of these houses have shallow rear garden depths of between 7 and 9 metres, the houses are also set slightly below the established ground levels found on the Convent lands to the north. At present a substantial but old stone wall forms a boundary and a thick cover of trees and vegetation are to be found on the subject site. Two storey terraced houses are proposed all along this boundary with rear garden depths of between 11 and 12 metres. Layout drawings show that the actual separation distance between opposing rear elevations will be in the order of 19 to 20 metres. Cross section 22-22 shows the difference in height and separation distance between unit 78 and 13 Bellevue Lawn. I am satisfied that the two storey houses and separation distances proposed, at up to 20 metres, and the relatively minor changes in level will ensure that there will no adverse impacts from overlooking or overbearing appearance. In addition, given that the units 75 to 90 are to the north of Bellevue Lawn, it is extremely unlikely that any overshadowing will take place. I note that the layouts submitted by the applicant fail to represent a new dwelling at 19 Bellevue Lawn. This new dwelling will abut a large area of public open space and I am satisfied that no adverse impacts, from a residential amenity perspective will affect this new dwelling. On the whole I am satisfied that the development as proposed will not undermine the residential amenity of properties at Bellevue Lawn. A portion of public open space will abut an area of existing open space at Bellevue Lawn, it is a shame that these spaces cannot be connected and seamless as one single amenity. However, I do not recommend any changes in the boundary treatment between these spaces in this instance.

10.5.14. A two storey dwelling, the conversion of the existing lodge to a management suite and public open space are proposed in the vicinity of units at Laurel Grove and the properties at Lynn House/Cottage. Cross section 10-10 details the relationship between Lynn House and the development as it might appear from the street. Unit 70 (house type A3) appears to sit at quite an elevated position when compared to Lynn House, however, though this may be the case in terms of ground levels, unit 70 is approximately 40 metres to the north west and I anticipate no adverse impacts to residential amenity. In terms of the apartment units at Laurel Grove, I have some concerns that the proximity of the existing apartment units to the proposed two storey house at plot 70 may present some loss of residential amenity. To alleviate the problem of proximity, I recommend that unit 70 is shifted 5 metres north to align with the terrace (units 71-74) to the north west. House type A3 has a good side elevation that will allow passive supervision of the large open space to the east and its new position will not impact upon the protected structures to the north.

10.5.15. Alba and Creech Barrow along Convent Road are substantial houses set in large sites but positioned close to their respective rear boundaries. With strong architectural character, Alba is not listed on the Record of Protected Structures but Creech Barrow is listed; neither are readily visible from the road. The gardens of Alba and Creech Barrow are carved out from the subject site and concerns are raised that negative impacts from overlooking, overshadowing, overbearing appearance and damage to boundaries will occur. To the south of Alba, two storey semi-detached houses are proposed, set back off the boundary by 16 metres and at a slightly higher ground level. To the west of Alba, semi-detached single storey bungalows are proposed with garden depths that range between 8 and 9 metres from rear return to boundary. These bungalows will be set on ground that is at a higher level than Alba but slope downwards to meet Creech Barrow. Cross sections 1-1, 2-2, 3-3 and 15-15 best illustrate the change in levels and a visualisation of any overbearing appearance, such as it is. Having assessed drawings and experienced the topography and boundary character of the site I am satisfied that the residential amenity impacts to each property will not be significant and any issues to do with boundary treatment and wall integrity can be addressed by condition. The applicant has chosen to select single storey homes to the west of Alba and Creech Barrow to reduce impacts of overlooking, overshadowing, overbearing appearance and I am

satisfied that this is the case. I note that the applicant proposes to ensure boundary walls remain intact and vegetation is retained, I recommend that detailed drawings and a schedule of works is drawn up prior to the commencement of development. Of course any works to share boundaries will require the consent of both property owners and this is a matter for the developer at a future date.

10.5.16. Creech Barrow includes a one and a half storey shed structure in the rear garden that appears to accommodate living accommodation, the structure is set right on the boundary with the subject site and has barred windows that overlook the field. Plot 9 and public open space are proposed to the western and northern boundary respectively. House type B2 will be located just over 9 metres from the structure. The location of this shed structure and the amenities it currently enjoys will be removed by the construction of unit 9. I recommend the removal of unit 9 and drawings to show a redesigned bungalow dwelling at plot 10. The former site of plot 9 shall be combined with the planned open space to the north.

10.5.17. Finally, detached properties along the northern section of the site include: Moymell, Tign Man Yi, Hollybrook and Gorteen Lodge. Moymell, Tign Man Yi, and Hollybrook are houses set in large garden sites. A three storey duplex building, a two storey detached and semi-detached houses are planned at this location. I find that that given the large garden sites of the existing dwellings, their orientation and the separation distances to planned development, there will be no significantly negative residential amenity impacts. Cross section 11-11 best illustrates the relationship between Gorteen Lodge and plot 95, a two storey house. Given that the separation distances involved (15 metres) and even with the downslope location of house type A2, I am concerned that a negative residential amenity impact will result. I recommend the removal of the house at plot 95, note section 10.5.3 above and to preserve existing residential amenity the removal of plot 95 is again recommended.

10.5.18. Lastly, observers from the perimeter of the site along Bellevue Road have highlighted concerns that include overlooking, overshadowing and a change in the character of the area as a result of the proposed houses along the road. The proposed houses along Bellevue Road are detached and semi-detached, all two storeys in height and more than 25 metres across a public road from existing dwellings to the west. The proposed dwellings are all finished with mostly stone and some render, conventional in design and scale, no different to other existing housing

estates in the wider area. The separation distances are such that there can be no impacts from overlooking, overshadowing or overbearing appearance, I am satisfied that there will be no loss of residential amenity from the proposed development to residents of along Bellevue Road. The open and rural aspect will change, but this is not a matter that affects residential amenity and in any case there are no protected views that will be impacted upon by this development.

10.5.19. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants, subject to the minor alterations I recommend. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area as well as proposed houses on the adjacent site to the north.

## 10.6. Heritage

10.6.1. **Built Heritage** - The centre of Delgany Village is an attractive place, with a variety of mostly well maintained historical properties, as a result and logically, Delgany Village is designated an Architectural Conservation Area (ACA) in the LAP. The subject site is not located in this ACA, but does contain a notable convent building and attached residence, these are structures listed on the Record of Protected Structures (RPS reference number 08-15 Delgany Carmelite Monastery (House and Monastery). Most observers have raised concerns that the overall design of the proposed development will impact negatively on Delgany Village, its ACA, protected structures both on site and in the vicinity. In addition, observers have very serious concerns that the apartments proposed to the rear of the convent building will be over dominant and spoil the setting and context of these protected structures. I note that commentary in relation architectural heritage from the Development Applications Unit of the Department was sought but none was offered. However, the planning authority have some serious reservations that the proximity of an apartment building will negatively affect the setting of the protected structures and recommend a refusal of permission in relation to this impact, as follows:



*The Apartment Units to the rear of Delgany Carmelite Monastery House and Monastery a Protected Structure will form a dominant feature, and have a negative impact on the setting of the structure.*

- 10.6.2. With respect to the built heritage of the site the applicant has prepared a Conservation Report and Heritage Impact Assessment, Verified Photomontage Views and CGI Images, Architectural Design Statement and detailed drawings and surveys, Environmental Impact Screening Report, landscape masterplan and Archaeological Impact Assessment. All of these documents detail the heritage value of the site and the design response proposed. I am satisfied that enough and sufficiently detailed material has been prepared by the applicant to allow an adequate assessment of how the proposed development will impact upon the built heritage value of the site.
- 10.6.3. Taking observers and the planning authority's point that the apartment building located to the rear of the Carmelite Monastery House and Monastery will be over dominant and impact the setting. It is true that the current view of the protected structures from Convent Road will change, cross section 10-10 best illustrates this transition. However, the fine detailing and traditional proportions of the church and villa house will remain at the centre of the vista from the street. In fact, the opening up of the forecourt area and the provision of a new public plaza will enhance and set off the centre piece role that the church will now take. In my view the three storey over basement apartment block to the rear of the church and villa house will act as a backdrop and focus one's eye towards the steeply angled gable of the church itself. I am satisfied that the urbanisation of the former convent grounds has been designed sensitively and that the public realm gain from Convent Road will significantly enhance the character of the area and expand the public domain of Delgany Village in a positive way.
- 10.6.4. Some observers have also raised concerns about a thatched house known as Creech Barrow and listed on the RPS as reference number 08-20, described as a long, single-storey thatched house with deep thatch. The Wicklow County Development Plan states that the age of the house is unclear but it has been remodelled in the twentieth Century. A large portion of open space is planned to the north of this building and single storey dwellings are located to the west. The planning authority have no particular concern about the heritage status of Creech

Barrow but are concerned that units 9-16 could negatively impact upon residential amenity. I have addressed issues of residential amenity in section 10.5 of my report above, and I have no concerns about any alteration to the setting and context of Creech Barrow. The open space to the north enhances the setting of the cottage and the provision of single storey dwellings to the west do little to detract from the visual amenity of Creech Barrow, such as it is.

10.6.5. With respect to the wider environs of the site and how it will impact upon the character of Delgany Village and in particular the ACA, I am satisfied that the drawings submitted and in particular the photomontage impacts illustrate adequately how the development successfully integrates and adds to the visual amenities of Delgany.

10.6.6. **Natural Heritage** – the subject site is located on the edge of Delgany Village centre and comprises a combination of open fields and complex of buildings and yards around the convent and residence buildings. Common to many lands of an institutional character, the landscape has been allowed to mature and support a variety of wildlife. Most observers have mentioned the disappointment that many trees will be lost on the site and that the biodiversity of the area will be affected. Some very detailed submissions have criticised the applicant's documentation and placed much importance on the contribution the site makes to the biodiversity of Delgany as a whole. The Minister for Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) have made very detailed observations about the site and the applicant's documentation, either recommending minor clarifications or the implementation of mitigation measures, particularly with respect to bats and the ecology of the site. The DAU see no obstacle to permitting development subject to the recommendations they have made with respect to preserving and promoting biodiversity. Inland Fisheries Ireland (IFI) also made a detailed submission and are satisfied that the proposal to retain the watercourse through the site in an open state is welcomed subject to technical adjustments if a culvert is used in part and that works during construction and operation are properly regulated. Both the DAU and IFI recommend conditions and I concur with the attachment of such conditions if permission is granted.

10.6.7. I understand the concerns raised by nearly all observers about the natural heritage potential of the site and perceived loss of biodiversity for the area as a whole.

However, I note that these lands are zoned for residential purposes and it is inevitable that change will come, and that the nature of the lands will be altered. In this respect, I note the documentation that the applicant has prepared to justify the development in terms of design and layout. The documentation submitted by the applicant includes: Bat Survey Report, Ecological Impact Assessment Report (EclA), Invasive Species Report, AA Screening Report, Environmental Impact Screening Report, Arboricultural Impact Assessment and Tree Root Protection Plan Report, Landscape Report, Tree Survey Report, Flood Risk Assessment and Preliminary Construction Environmental Waste Management Plan. It appears to me that the applicant has been sensitive to the natural heritage characteristics of the site and prepared a substantial amount of material to justify the proposal and propose measures to ensure the ecological and biodiversity potential of the site is either retained or enhanced.

10.6.8. According to the Bat Survey Report four species of bat were found to use the site for hunting and foraging purposes and include common pipistrelle, soprano pipistrelle, Liesler's Bat and Brown long eared bats. Roosts were confirmed in buildings on the site and it is possible that tree roosts occur around the margins of the site. Observers are critical of the Bat Survey methods and outcomes, however, both the DAU and I disagree. A Bat Survey has been carried, bats are present on the site and mitigation measures are proposed. I am satisfied that once works are carried out in accordance with the appropriate licensing requirements and that mitigation measures are implemented as proposed and overseen by a Project Ecologist, the development is acceptable and will not significantly impact a protected species i.e. Bats.

10.6.9. The Ecological Impact Assessment Report (EclA), states that there is no suitable habitat for any of the following species listed:

- Red hemp nettle (*Galeopsis angustifolia*)
- Bog orchid (*Hammarbya paludosa*)
- Round prickly headed poppy (*Papaver hybridum*)
- Penny royal (*Mentha pulegium*)
- Annual knawel (*Scleranthus annuus*)
- Killarney fern (*Trichomanes speciosum*)

10.6.10. None of the proposed development lands would support these rare, threatened and protected flora from the 10km square in which the lands at Delgany are located. Faunal interest of the site includes inhabitants of the two agricultural fields, the watercourse and surrounding hedgerows and treelines which support species such as brown rat, long tailed field mouse, house mouse, rabbits and fox. Other common fauna that would be expected include hedgehog, Irish stoat and pygmy shrew. There was no evidence of any badger setts or foraging activity on site. No evidence of otter was recorded on the small watercourse that runs through the site. As mentioned above, bats are present on site and measures are proposed. Bird species are common to this type of semi-urban site. Amphibians are not expected on site but may occupy if pond features on site are restored. A stream flows through the site and links with the Three Trouts Stream. The water quality of the Three Trout Stream is currently unknown but the watercourse is classified as a stream 'Not At Risk' of not achieving 'Good Status' under the Water Framework Directive.

10.6.11. The impacts of the development during construction and operation are outlined and would be comparable to any other conventional residential construction scheme in a semi-urban environment. I am satisfied that the impacts are sufficiently detailed and that measures to mitigate the impacts, such as they are, are adequate. I note that the DAU and Inland Fisheries Ireland recommend additional measures with regard to works to the watercourse, these are reasonable and I agree that the retention of the stream 'open' is supported. In all other respects I am satisfied that the EclA is sufficiently robust and the measures outlined should be implemented during and after construction. I agree that mitigation measures described by the EclA should be reflected in the Construction Management Plan/Method Statements prepared for the site and for a Project Ecologist to be engaged to review same prior to the commencement of the development and throughout construction as required. I understand the motivation behind the very detailed submissions made by some observers and their in-depth analysis of the applicant's documentation. However, I am satisfied that the applicant's EclA and other documentation are suitably robust to justify their proposals and this is borne out by the detailed interrogation made by the DAU and their broad agreement with the applicant's proposals. In addition, I note that the planning authority have no serious reservations conceding natural heritage either.

10.6.12. For many the change in the status quo of any large urban site can be a surprise despite the lands being zoned for residential development. This fact is drawn into to sharp contrast when such a site seems to present a natural idyll at the centre of a village setting, more by chance than design because the lands were in single ownership and in institutional use. Whether the site is developed at a very low or higher density is irrelevant, the lands will be development for residential purposes and the character and biodiversity potential of the site will change. I am however, satisfied that the overall layout of the site, the retention of many built and natural features on the site and the sensitive and well designed landscape masterplan, including the proposed open state of the Convent Stream will maximise the biodiversity potential of the site. Together with the implementation of the measures outlined in the EclA, Bat Survey and numerous other documents, I am satisfied that the proposed development is entirely satisfactory at this location and will not adversely impact the natural heritage value of the site and surrounds, such as it is.

## 10.7. **Traffic and Transport**

10.7.1. The development proposes a three vehicular access points, one from Bellevue Road and the other two from Convent Road. There will be no cross route through the site from Bellevue Road to Convent Road by vehicular traffic. The Bellevue Road access road will service 45 dwelling units, 13 houses along Bellevue Road will avail of direct access and the two access points along Convent Road will serve the remaining 174 units. The existing road, footpath and cyclist infrastructure in the vicinity of the site is well below standard and observers highlight this point.

10.7.2. The applicant has submitted a Traffic and Transport Assessment (TTA), the methodology of which the planning authority are satisfied with. Local observers comment on the internal layout of the site and are unhappy that a through road has not been proposed. All observers that had something to say about traffic and transport were concerned about additional traffic on the local road network leading to congestion and delays at key junctions. There are concerns too about the provision of housing directly fronting onto Bellevue Road and that there may be conflicts between vehicles and people exiting their homes. The lack of existing pedestrian facilities in the area are also heavily criticised, and local observers worry about the safety of pedestrians and cyclists. In addition, observers comment that given the lack of basic pedestrian/cyclist facilities in the area, the expectation that future occupants

will leave the car at home and travel by more sustainable methods is not realistic. There are also some technical criticisms levelled at the modelling techniques used and overall methodology expressed in the TTA. However, the planning authority have no similar concerns expressly detailed in the Chief Executives Report.

10.7.3. The applicant's TTA addresses existing traffic behaviour, new proposed access arrangements, trip generation associated with the proposed residential development, traffic impact of the proposal and the proposed car and bicycle parking arrangements and assess five junctions in the vicinity of the development site, as follows:

- Junction 1- Bellevue Hill / Glen Road / Church Road
- Junction 2- Convent Road / Church Road
- Junction 3- Church Road / Delgany Wood Avenue
- Junction 4- Convent Road / Chapel Road / Delgany Wood Avenue roundabout
- Junction 5- Bellevue Hill / Ballydonagh Road / Lower Windgates

10.7.4. The TTA states that expected trip generation for the proposed residential development, community centre and crèche was estimated utilising the TRICS database and was revealed to be in total 35 trips inbound and 78 trips outbound in the morning peak hour and 69 trips inbound and 43 trips outbound in the evening peak hour. In addition, the adjacent permitted Richview development (WCC Ref. 15/1307, ABP Ref. PL 27.248401) trip generation figures were added in with development scenarios. The analysis and operational assessment of the proposed residential development at the five junctions revealed that at present the junctions operate below the normal design threshold during the morning and evening peak hours. The Church Road arm on Junction 1- Bellevue Hill / Glen Road / Church Road during the morning peak hour will approach the design threshold with minor queues and delays for motorists beginning to occur. Likewise, the Convent Road arm on Junction 2- Convent Road / Church Road, will approach the design threshold. The report goes to state that into the future all five junctions will continue to operate below the normal design threshold during the evening peak hour and that overall, the development will have a minimal impact on the junctions. Observers strongly disagree with this analysis, criticising the TTA at a technical level and from

an anecdotal perspective with descriptions and photographs of traffic problems. The planning authority do not challenge the findings of the TTA, but do have a number of technical requirements regarding site specific issues that can be addressed by condition.

- 10.7.5. I note the findings of the TTA but I must highlight issues that lie beyond the site, roads are narrow, junctions are angled, footpaths lack width or are non-existent and cyclist facilities are token at best. Delgany Village, its centre and environs has been allowed to grow without the required and needed advances in road/footpath/cyclist facilities. I observed challenges relating to current car parking practices – whereby cars park on the footpaths within the village and obstruct safe and pleasant pedestrian passage. I note that a large volume of observations have underlined the issue of traffic congestion as one of the major concerns for the area. I do not doubt that most if not all local roads are extremely congested at peak times, the accounts and photographs submitted by observers adequately illustrate the existing problems for car users and pedestrians/cyclists alike. The dates of my recent site visits are not representative of likely traffic, but I did observe a large volume of cars parked across footpaths and along streets. In my view, the overall transport character of the area is defined by private car use and this is exemplified by the profusion of cars parked on footpaths in the village centre. The planning authority are also concerned about the phasing of the development and particularly the delivery of footpaths along Bellevue Road. I agree that footpath facilities should be delivered within the first phase of the development, especially along Bellevue Road, where there currently are none.
- 10.7.6. To address issues that might arise in terms of increased traffic volumes, the applicant proposes to open up the site to pedestrian and cyclist permeability and this is to be welcomed. Specifically, I note that connections to the development site to the north area proposed and should be supported. In this context, it would be desirable that such connections are actually implemented. I am satisfied that this can be achieved as Gorteen Way Ltd, the owner of the adjacent site, has given consent for this current application to be made, so logically conditions could be attached to ensure pedestrian/cyclist connections are implemented from the outset. In addition, the planning authority note that universal access, in terms of a ramp, should be designed to allow permeability for all users, specifically at units 74-75, I agree.

- 10.7.7. The proposed development will add significant public realm improvements along Bellevue Road and Convent Road. I note that residents along Bellevue Road are concerned that a profusion of new entrances along Bellevue Road will constitute a traffic hazard. The planning authority have not raised any particular concern other than compliance with DMURS and welcome the new frontage and pedestrian facilities along Bellevue Road. At present the road in the vicinity of the site, is narrow and there are no footpaths with housing on just one side, traffic is inclined to move swiftly along this route. With the arrival of individual houses facing onto and accessing Bellevue Road at multiple locations, together with a dedicated footpath, the resultant behaviour and speed of passing traffic change. The provision of multiple entrances along Bellevue Road will moderate driver behaviour resulting in slowing traffic and making the pedestrian environment safer and more pleasant than it is now. Aesthetically, this location is part of Delgany and the urban expansion of the town is encouraged through the objectives of the LAP. The roll out of pedestrian facilities such as footpaths and street lighting is welcomed and in my opinion a beneficial addition to the overall amenity of the area.
- 10.7.8. The applicant has not prepared a specific Mobility Management Plan as part of their Traffic and Transport Assessment. It is clear that current commuting habits based on the private motor car are unsustainable and even a low density residential development would not improve matters and in fact damage the economic viability of public transport plans in the area or make more sustainable modes unattractive. Therefore, the production of a Mobility Management Plan that combines some measures to manage and control car parking should take place before development commences and I am satisfied that this can be dealt with by condition.
- 10.7.9. On balance, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities. Current public transport options are limited to moderate frequency bus services without defined bus corridors and feeder routes to the DART station at Greystones are noted. The cycle and pedestrian facilities in the area are poor and significant improvements in the wider area are needed. However, I note that the proposed development will add significant improvements to the public realm in the immediate vicinity and this is to be encouraged. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to



encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of a mobility management plan and a car parking strategy to be submitted prior to the commencement of development.

10.7.10. Construction Period - I note the concerns raised by observers regarding construction stage impacts and heavy goods vehicle routeing. I note that section 6.4 of the applicant's TTA addresses construction traffic with the promise that a construction management plan will be produced. Such a plan is necessary and should be prepared in advance of development. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend a condition requiring the preparation of a detailed Construction Management Plan and Traffic Management Plan prior to commencement of development.

## 10.8. Local Amenities

10.8.1. A number of observers have expressed concerns that Delgany does not offer the level of community type services that would sustain the level of development proposed. The lack of school places at primary and post primary level is highlighted, together with a dearth of parks and play areas for children. The applicant lists the number of amenities in the local area, but carries out no specific analysis of supply and demand. Observers welcome the provision of a crèche, and community centre uses together with new playgrounds, but some are concerned that the community use cannot be sustained in the long term because of a lack of funding. The planning authority has concerns about the long term viability and management of the community uses proposed and recommend the following reason for refusal:

*It has not been fully shown that the Community Space can be operated meaningfully in the long term.*

10.8.2. Firstly, the applicant has committed to the provision of the Church to be operated as a community facility for cultural and community uses. A Management Company has been created called The Delgany Centre and is a registered company limited by guarantee (Company No. 678344). Drumakilla Ltd will provide the centre with €50,000 per annum funding for three years; this will assist with the start-up, fund a

part-time administrator and ongoing insurance, heating and maintenance costs. As noted above, the planning authority seek to refuse permission because they are not convinced that the community space can be operated in the long term. I disagree that permission for a worthwhile community resource should be refused because of an unknown future funding scenario. I am satisfied that the community resource should be permitted, and an appropriate condition worded to ensure that a meaningful management strategy can be drawn up and agreed.

10.8.3. As for the lack of existing amenities in Delgany, I disagree that this is the case. There are a number of existing retail and restaurant/café/bar businesses in the Village Centre, together with a number of vacant commercial and retail units and a primary school. The proposed development will provide additional population and community facilities to sustain and enable the growth of Delgany as a whole and I see no adverse impacts upon the social or for that matter the commercial infrastructure of the area.

#### 10.9. **Water Services**

10.9.1. Observers have raised quite broad issues to do with water services. The applicant has submitted a Water Services Report and Flood Risk Assessment (FRA). In terms of flood risk, the site is located in flood zone C and the likelihood of flood risk on the site or elsewhere is discounted. The FRA concludes that no development will take place in the floodplain; as such no floodwaters will be displaced during extreme flooding events. The flood extents in the post-development scenario will remain unchanged. Observers have submitted photographs of a flood event at the eastern portion of the site. However, with regard to pluvial flooding during extreme rainfall events the application of SuDS principles will ensure surface water is managed sufficiently and sustainably discharged to the drainage network in accordance with the GDSDS. With these mitigation measures in place pluvial flood risk is not considered to be significant. Overall, the FRA concludes that to prevent any increased flooding within the vicinity from the proposed development, it is proposed to implement SuDS measures as detailed in the Water Service Report in order to limit the discharge from the site to the current discharge rates. The implementation of these SuDS measures will not increase the risk of flooding elsewhere. It is considered that the proposed development will have a negligible impact on the existing flood regime of the area. The planning authority agree and have no

recommendations with respect to flood risk other than technical requirements to do with surface water management, I concur.

10.9.2. In terms of surface water management, the Convent Stream flows partially along the northern boundary of the site before being culverted in a southerly direction through the site before discharging into a surface water manhole in Bellevue Lawn. On the day of my site visit, I observed that the open stream at the field boundary could be easily traced and was also accommodated in an open canalised channel at the foot of a boundary wall. This channel goes on to feed various water features and garden infrastructure throughout the site. The applicant states that all surface water run-off from roof areas and hardstanding areas will be collected in the site's drainage network and comprises 3 catchments (C1, C2, C3) for surface water management. Catchment No 1 will be connected to the existing public surface water network in Bellevue Hill. Catchment No 2 will be connected to the existing surface water sewer at the roundabout at the junction of Convent Road and Delgany Wood and it is proposed to connect Catchment No 3 to the existing surface water sewer manhole at the intersection of Convent Road and Bellevue Lawns at the south east corner of the site.

10.9.3. The Water Services Report states that an existing stream which rises further north on Bellevue Hill, enters the subject site at the north west corner and flows in an easterly direction along the boundary with the Richview site to the north. The stream turns in a southerly direction and is culverted underground before discharging to a surface water manhole in Bellevue Lawns and ultimately to the Three Trouts Stream. The applicant proposes to retain and enhance the open length of stream within the site and to divert the existing culvert to avoid proposed buildings. The outfall to the existing manhole in Bellevue Lawns will be retained. Some observers detail concerns about the open stream or Convent Stream that travels through the site, loss of biodiversity and an impact upon the ecology of the stream are raised. I note that Inland Fisheries Ireland and the DAU raised some technical aspects to do with, the open stream and its integration with the development. These points are noted, covered in section 10.6 Heritage of my report above and should be included as conditions in the event of a grant of permission. The planning authority require some technical assessment about retaining even more of the stream open. I am satisfied

that this issue can be agreed in detail as part of a planning condition if permission were granted.

10.9.4. In terms of water services, Irish Water raise no particular issues, as there are no major issues of concern regarding the site and water services, I see no barrier to permission being granted subject to conditions of a technical nature.

#### 10.10. **Other Matters**

10.10.1. Legal – some observers have raised very technical and legal criticisms to do with the material contravention procedure, EcIA, Environmental Impact Assessment (EIA) screening and Appropriate Assessment (AA) screening. I do not intend to counter the legal arguments presented in terms of law. Instead, I am entirely satisfied that throughout my assessment in relation to the statutory plan and the mechanism for a material contravention, EcIA, EIA and AA; that all these matters are all adequately dealt with and in accordance with the relevant legislation as it stands; sections 10.2, 10.3, 10.6. 11 and 12 all refer and Appendix A. Further, I am satisfied that there is no legal impediment to the Board reaching a decision on this Strategic Housing Development application safely within the legal parameters as they are currently set out and known.

10.10.2. Planning Authority Reasons for Refusal – the Board will note that the planning authority have recommended that permission be refused for the development, for four different reasons as follows:

1. The density of development would materially contravene the zoning objectives for the lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 je. R22 -Residential: Objective: To provide for the development of sustainable residential communities up to a maximum of 22 units per hectare and to preserve and protect residential amenity.
2. The Apartment Units to the rear of Delgany Carmelite Monastery House and Monastery a Protected Structure will form a dominant feature, and have a negative impact on the setting of the structure.
3. Change in levels and boundary treatment with respect at units 9-16 are likely to give rise to negative impacts on the existing dwellings abutting this boundary.

4. It has not been fully shown that the -Community Space can be operated meaningfully in the longterm.

10.10.3. I have dealt with each of these reasons for refusal in the assessment section of my report, for ease of reference the following sections refer - reason 1 to be found in section 10.3 *Material Contravention*, reason 2 to be found in section 10.6 *Heritage*, reason 3 to be found in section 10.5 *Residential Amenity* and reason 4 to be found in section 10.8 *Local Amenities*.

## 11.0 Screening for Environmental Assessment (EIA)

11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) with the production of an Environmental Impact Screening Report. The Screening Report concludes that the proposed development is considerably below the threshold of a mandatory EIA which would require an Environmental Impact Assessment Report (EIAR). The description of possible effects on the environment are not considered significant. An Ecological Impact Assessment and an AA screening Assessment do not consider that there would be significant effects on the Environment subject to proper construction methods and management. Having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i), (ii) and (iv) of the Planning and Development Regulations 2001-2017. I am satisfied that the submitted Environmental Impact Screening Report and additionally environmental documentation submitted as part of the application, such as Ecological Impact Assessment and an AA screening Assessment, identify and describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I have assessed the proposed development in the context of the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment, Bat

Survey Report and landscape details and I have completed a tabular screening assessment as set out in Appendix A.

11.2. The current proposal is an urban development project that would be in the built up area but not in a business district. The number of proposed dwellings is 232 and the gross site area is 6.22 hectares. The proposed development is well below the applicable thresholds. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposed development would be located on institutional and already developed land beside existing village centre development. The site is not designated for the protection of a landscape or of natural or cultural heritage, although the site does contain protected structures that are to be retained and integrated into the proposed development. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no impacts upon the conservation objectives of the Natura sites identified.

11.3. The development would result in works on zoned lands. The majority of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development of residential uses is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate. I recommend to the Board 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 would not therefore be required.

11.4. The conclusion of this is assessment is as follows:

Having regard to

a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

b) the location of the site on lands zoned to,

- c) The existing use on the site and pattern of development in surrounding area;
- d) The planning history relating to the site and adjacent sites,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) 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),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction Environmental Waste Management Plan (CEWMP).

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 would not therefore be required.

## 12.0 **Appropriate Assessment Screening**

- 12.1. An AA Screening Report dated October 2020 was submitted with the application and prepared by Faith Wilson Ecological Consultant. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.
- 12.2. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA) a watercourse flows through the site. According to the Report nine European Sites, comprising the
  - Glen of the Downs SAC (Site Code: 000719)

- Bray Head SAC (Site Code: 000714)
- Carrigower Bog SAC (Site Code: 000716)
- The Murrough Wetlands SAC/SPA (Site Code: 002249/004186)
- Knocksink Wood SAC (Site Code: 000725)
- Ballyman Glen SAC (Site Code: 000713)
- Wicklow Mountains SAC/SPA (Site Code: 002122/004040)
- Dalkey Islands SPA (Site Code: 004172)
- Rockabill to Dalkey Islands SAC (Site Code: 003000)

occur within a 15km radius of the project site. A small culverted stream flows through the lands and ultimately discharges to the Three Trout Stream and the Irish Sea. The Glen of the Downs (SAC), which is also a national Nature Reserve is upstream of the site. Foul and surface drainage infrastructure will be entirely separate up to the final point of discharge to the combined foul sewer. Foul effluent from the proposed development will be conveyed to and processed by the municipal treatment system.

12.3. The site is characterised as partly built over institutional lands with some open grassland areas, there are mature hedge/tree and historic rubble stone wall field boundaries. The Report includes all nine sites in its assessment of significance and in relation to cumulative/potential/in-combination impacts. It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. There are nine Natura 2000 sites within 15km of the study site and possible zone of influence, details as follows:

<b>Site Name and Code</b>	<b>Distance (km)</b>	<b>Qualifying interests</b>
Glen of the Downs SAC (Site code 000719)	0.5km south west	(91A0) Old sessile oak woods with Ilex and Blechnum in British Isles.



<p>Bray Head SAC (Site code 000714)</p>	<p>3km NE</p>	<p>(1230) Vegetated sea cliffs of the Atlantic and Baltic coasts, (4030) European dry heaths, (6210) Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (*important orchid sites).</p>
<p>Carrigower Bog SAC (Site code 000716)</p>	<p>5km SW</p>	<p>(7140) Transition mires and quaking bogs.</p>
<p>The Murrough Wetlands SAC (Site code 002249)</p>	<p>4km SE</p>	<p>(1210) Annual vegetation of drift lines, (1220) Perennial vegetation of stony banks, (1330) Atlantic salt meadows (Glauco Puccinellietalia maritimae), (1410) Mediterranean salt meadows (Juncetalia maritimi), (7210) * Calcareous fens with Cladium mariscus and species of the Caricion davallianae, (7230) Alkaline fens.</p>
<p>The Murrough SPA (Site code 004186)</p>	<p>4km SE</p>	<p>Red-throated Diver (<i>Gavia stellata</i>), Greylag Goose (<i>Anser anser</i>), Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), Wigeon (<i>Anas penelope</i>), Teal (<i>Anas crecca</i>), Black-headed Gull (<i>Chroicocephalus ridibundus</i>), Herring Gull (<i>Larus argentatus</i>), Little Tern (<i>Sterna albifrons</i>),</p>

		Wetlands & Waterbirds.
Knocksink Wood SAC (Site code 000725)	8.5km N	(7220) Petrifying springs with tufa formation (Cratoneurion), (910E0) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae).
Ballyman Glen SAC (Site code 000713)	8.6km N	(7220) Petrifying springs with tufa formation (Cratoneurion), (7230) Alkaline fens.
Wicklow Mountains SAC (Site code 002122)	7.5km W	(3130) Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea (3160) Natural dystrophic lakes and ponds, (4010) Northern Atlantic wet heaths with <i>Erica tetralix</i> , (4030) European dry heaths, (4060) Alpine and Boreal heaths, (6230) Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas, (7130) Blanket bog (*active only), (8110) Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ), (8210) Calcareous rocky slopes with chasmophytic vegetation, (8220) Siliceous rocky slopes with chasmophytic vegetation, (9990) Blanket bog (not active), (1355) Otter ( <i>Lutra lutra</i> ), Peregrine falcon ( <i>Falco peregrinus</i> ),

		Merlin ( <i>Falco columbarius</i> ).
Wicklow Mountains SPA (Site code 004040)	7.4km W	Peregrine falcon ( <i>Falco peregrinus</i> ), Merlin ( <i>Falco columbarius</i> ), Ring Ouzel ( <i>Turdus torquatus</i> ), Red Grouse ( <i>Lagopus lagopus</i> ).

12.4. Given the lack of a direct surface water pathway between the site and Bray Head SAC and The Murrough Wetlands SAC/The Murrough SPA, they should be excluded. There is no logical linkage between the site and other Natura 2000 sites, and the applicant has concluded that all nine sites will not impact upon any designated site within a 15km radius of the site.

#### Assessment

12.5. I note the following:

- 12.5.1. The site is not located within a Designated Site and no loss/fragmentation of habitat will occur – the proposal is located 500 metres downstream from the nearest Designated Site (Glen of the Downs SAC).
- 12.5.2. The site does not contain suitable supporting habitat for Annex II species or SCI bird species. The project will not result in the reduction of any wetland habitats or foraging/roosting habitat for special conservation interest bird species of The Murrough SPA or Wicklow Mountains SPA.
- 12.5.3. The project will not result in disturbance to the special conservation interest bird species of The Murrough SPA or Wicklow Mountains SPA due to the distance from the site and no anticipation that there will be any likely significant effects to water quality.
- 12.5.4. The project will not result in habitat or species fragmentation.
- 12.5.5. As the project is not predicted to result in disturbance to special conservation interest bird species of The Murrough SPA or Wicklow Mountains SPA there will be no potential for it to affect the density of these species occurring within each site.
- 12.5.6. Irish Water have confirmed that the proposed connection to their network can be facilitated. The adjoining coastal waters are currently classed as “Unpolluted” by the

EPA. The Greystones WWTP has been upgraded to 40,000 P.E. This is likely to maintain the 'Unpolluted' water quality status of coastal waters despite potential pressures from future development.

- 12.5.7. No cumulative/in-combination effects on Natura 2000 sites are considered relevant, because neither the proposed development, the Farrankelly or Glenheron SHD developments or any of the developments listed in section 2.5 of the applicant's Report, are expected to have an impact on the nine Natura 2000 sites listed, the risk of in-combination effects can be ruled out. In my opinion, significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to European sites due to the distance involved and levels of dilution. Cumulative impacts are not anticipated and neither was any potential for different impacts resulting from the combination of various projects and plans.
- 12.6. Sustainable Drainage Measures (SUDS) are proposed in the documentation submitted and referenced in section 2.4 Assessment of Significance of the applicant's Report, it is clear in the text that the intention is for protection measures that would be applied regardless of any downstream European sites. This is not mitigation in the meaning of measures to avoid or reduce harmful effects on a European site and it is clear that the intention of the measures referred to is not related to European sites. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the 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 such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission.
- 12.7. I note the technical and legal arguments advanced by some observers, that in their opinion fundamental flaws are present in the AA Screening Report prepared by the applicant. However, I am satisfied that an appropriate level of information has been provided in the AA Screening Report and the entirety of the application material and

any inconsistencies or inaccuracies are minor to the assessment of whether the proposed development has the potential to significantly impact any Natura 2000 site. With the application of common sense and with the detailed technical guidance provided by The Minister for Culture, Heritage and the Gaeltacht Development Applications Unit (DAU), I am satisfied that the AA Screening Report has been prepared appropriately and provides an acceptable level of scientific data to allow an AA screening exercise to take place. The DAU note that Peregrine falcon (*Falco peregrinus*) and Merlin (*Falco columbarius*) are not Qualifying Interests of Wicklow Mountains SAC and Ring Ouzel (*Turdus torquatus*) and Red Grouse (*Lagopus lagopus*) are not Special Conservation Interests for Wicklow Mountains SPA, and the DAU consider that these errors do not materially affect the Report's findings.

12.8. Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the Glen of the Downs SAC (Site Code: 000719), Bray Head SAC (Site Code: 000714), Carrigower Bog SAC (Site Code: 000716), The Murrough Wetlands SAC/SPA (Site Code: 002249/004186), Knocksink Wood SAC (Site Code: 000725), Ballyman Glen SAC (Site Code: 000713), Wicklow Mountains SAC/SPA (Site Code: 002122/004040), Dalkey Islands SPA (Site Code: 004172) or Rockabill to Dalkey Islands SAC (Site Code: 003000) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

### 13.0 Recommendation

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

## 14.0 Reasons and Considerations

### 14.1. Having regard to the following:

- (a) the policies and objectives in the Wicklow County Development Plan 2016-2022;
- (b) the policies and objectives in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework – Ireland 2040 (2018);
- (e) 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;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2020;
- (h) Design Manual for Urban Roads and Streets (DMURS) May 2020
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure;
- (k) the report of the Chief Executive of Wicklow County Council;
- (l) the submissions and observations received and
- (m) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Recommended Draft Order

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Wicklow County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21 October 2020 by Drumakilla Limited, Trinity Biotech, I.D.A. Business Park, Southern Cross Road, Bray, Co. Wicklow.

#### **Proposed Development:**

A planning permission for a strategic housing development on a site located between Convent Road and Bellevue Hill (consisting of former Carmelite Monastery Lands), Delgany, Co. Wicklow.

The proposed development comprises the construction of 232 residential units comprising 96 houses 136 apartments. The proposed dwelling houses comprise a combination of detached, semi-detached and terraced houses between one and two storeys. The apartments are contained within two blocks of between four and five storeys (inclusive of a basement) and five duplex building up to three storeys.

A new vehicular entrance from Bellevue Hill Road to the west of the site and new vehicular access from Convent Road to the east, and pedestrian and cycle connections from the site to north, south east and south west.

The change of use of the Gate Lodge to a management office.

The change of use and extension of a Protected Structure (consisting of a Church and villa) to community/cultural facility and crèche (551 sqm).

The demolition of a modern extension to Protected Structure, demolition of bungalow and demolition of out-buildings (total 1,896 sqm).

The details are as follows:



<b>Parameter</b>	<b>Site Proposal</b>
Application Site	6.22 ha
No. of Units	232
Unit Breakdown	1-bed apartment: 28 (12%) 2-bed apartment: 82 (35%) 3-bed apartment: 26 (11%)  2-bed house: 32 (14%) 3-bed house: 44 (19%) 4-bed house: 20 (9%)
Other Uses	Childcare Facility - 68 child places (496 sqm, new and converted space). Management/admin office – 24 sqm Community/cultural space – 128 sqm
Car Parking	420 car parking spaces
Bicycle Parking	364 spaces
Vehicular Access	Three access points, Bellevue and two from Convent Road.
Part V	24 units
Density	38.1 units/ha.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) the policies and objectives in the Wicklow County Development Plan 2016-2022;
- (b) the policies and objectives in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework – Ireland 2040 (2018);
- (e) 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;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2020;
- (h) Design Manual for Urban Roads and Streets (DMURS) May 2020
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure;
- (k) the report of the Chief Executive of Wicklow County Council;

(l) the submissions and observations received and

(m) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, 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 (and submission of a Natura Impact Statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental 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:

(a) the nature and scale of the proposed development on a site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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 is not required.

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

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

The Board considered that a grant of permission for the proposed Strategic Housing Development would materially contravene the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 in respect of residential density. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 would be justified for the following reasons and considerations:

(a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 as amended, the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential

Tenancies Act 2016 (as amended); to its support for the National Policy Objectives in the National Planning Framework, in particular National Policy Objective 33 that seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”, and its potential to contribute both to the achievement of the Government’s policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

(b) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 as amended, the Board considered that permission for the proposed development should be granted having regard to Government policies as set out in 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’ concerning residential density and in particular Chapter 5 of the aforementioned guidelines.

## 16.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) House type A2 on plot 95 shall be omitted and its site integrated into the overall linear open space planned along the northern section of the site.

(b) House type A3 shall be relocated 5 metres northwards and align with the front building line of plots 71-74.

(c) Plot 9 shall be omitted and its garden integrated into the public open space to the north. House type B2 on plot 9 and 10 shall be redesigned to be a detached single storey dwelling with a dual aspect that opens onto the public open space and street.

(d) Detailed specifications of works to existing boundary walls, new boundary treatments and/or retaining walls, including drainage proposals along the boundary of the site with existing residential property shall be submitted.

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

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

3. All recommended measures outlined in the submitted Ecological Impact Statement, Bat Survey, Arboricultural Report and Tree Protection Plan shall be implemented in full and all works shall be overseen by a Project Ecologist.

**Reason:** In the interests of biodiversity and protection of trees.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

5. (a) All screen walls shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development, with the exception of the perimeter boundary of the site, other than the Longford

Road, and this revised boundary treatment shall be a two metre high concrete block wall, suitably capped and finished.

(b) All rear garden walls shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

6. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

8. Proposals for an estate/street name, 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Specifically:

(a) the central four arm roundabout along Convent Road shall be redesigned in accordance with DMURS principles.

(b) Cycle lanes shall conform to the standards set out at section 4.3.2.1 of the National Cycle Manual and which shall be segregated from the pedestrian footpath, maintain priority over minor roads at junctions, and bring cyclists across the junction at the Longford Road.

(c) Ramped access shall be designed in addition to the stepped access shown in the vicinity of plots 74-75.



(d) No dwelling shall be occupied within the site until the proposed road/pedestrian works to the Bellevue Hill Road are completed.

Revised plans showing compliance with these requirements and showing the works in relation to the Bellevue Road and Convent Road shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual.

12. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands, specifically lands located to the immediate north of the site. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

Reason: In the interest of permeability and proper planning and sustainable development.

13. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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, the development shall submit 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.

14. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted

to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy and a parking management plan shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid19 pandemic.

15. Drainage arrangements including the attenuation and disposal 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.

16. The site shall be landscaped 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.

(a) New hedging and hedge reinforcement must comprise native species of Irish origin only in order to ensure there is no net loss of biodiversity due to the removal of hedgerows due to the development.

(b) The Convent Stream shall be retained as an open watercourse, in so far as is practicable, with associated riparian corridor, the details of which shall be informed by the documentation submitted with this application and shall be agreed in writing with the planning authority.

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

17. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

18. (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) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and 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.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

20. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have

responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

21. (a) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge.

(b) An ongoing management strategy for the community uses proposed on the site shall be prepared and include inter alia; overall management and day to day running, funding mechanisms, maintenance and upkeep.

Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

22. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity.

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

Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

24. 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, the centre of Delgany Village shall not be used to accommodate works traffic;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

26. 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.

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

**Reason:** In the interest of public health.

28. 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.

29. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

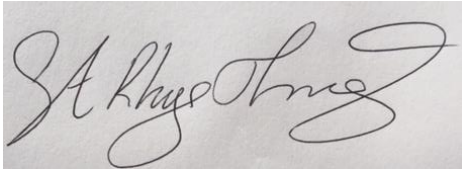


30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.

31. 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.

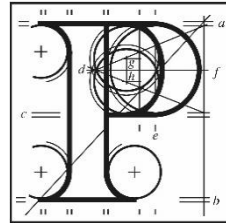
A handwritten signature in black ink on a light grey background. The signature is cursive and appears to read 'S Rhys Thomas'.

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Stephen Rhys Thomas  
Senior Planning Inspector

03 February 2021

## 17.0 Appendix A



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-308467-20
Development Summary		232 no. residential units, a creche, change of use from church to a community facility, a management office, demolition works, new entrances, landscaping, parking and site development works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Wicklow County Development Plan 2016-2022 and Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises the removal of open grassland and urban/institutional lands for the construction of residential units on lands zoned residential in keeping with the residential development in the vicinity.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding village/town.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	The development of this site as proposed will result in an increase in residential units of 232 units which is considered commensurate with the development of a settlement identified as a Level 3 Large Growth Town II within the Metropolitan Area.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	A smaller scale housing development (less than 100 units) is located to the immediate north.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	<b>No</b>



<p><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></p>			
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>The loss of some bat roost habitats will occur, appropriate mitigation measures are recommended. No other sensitive or important flora/fauna species identified.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>The site includes buildings recorded on the RPS, these buildings are to be retained and adapted for use. The design and layout of the scheme considers the topography of the site and the protected structures, mitigation measures are in place to address visual amenity concerns and heritage protection.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>A watercourse is present on the site and will be retained in an open state, appropriate mitigation measures will be employed during construction. In addition, the development will implement SUDS measures to control surface water run-off to greenfield run-off rates and prevent entry of contaminants. The site is not at risk of flooding.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to land slides or erosion. The topography of the site is sloped.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There are no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No large-scale developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No transboundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses and community infrastructure uses in the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) 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),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction Environmental Waste Management Plan.

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 would not therefore be required.

Inspector: \_\_\_\_\_ **Stephen Rhys Thomas**

Date: \_\_\_\_\_ **03/02/2021**