



An
Bord
Pleanála

Inspector's Report ABP-308578-20

Development	Construction of a Nursing Care Home & 77 Dwellings
Location	Blessington Demesne, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20/184
Applicant(s)	Glenveagh Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to Conditions.
Type of Appeal	Third Party
Appellant(s)	Downshire Lodge Nursing Home Limited
Observer(s)	None
Date of Site Inspection	30 th June 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a stated area of 2.97 hectares and is located to the north-western side of Blessington town centre, Co. Wicklow. The site was under grass on the day of the site visit and the lands did not appear to have been used for some time.
- 1.2. The site is located to the east/ south-east of the Blessington Inner Relief Road (BIRR), to the north-east of the local access road which connects the Inner Relief Road to Main Street and to the north-west of the Dunnes Stores anchored retail development. The local access road turns off the relief road at a three-sided roundabout. The subject lands are part of a larger site that extends north to Oak Drive, a residential development of two-storey semi-detached houses.
- 1.3. The site falls generally from east to west, but there are various rises/ falls throughout the site. Site boundaries consist of a mix of timber post and wire fences and timber panelled fencing. Roads provide the boundary on two and a half sides of the site area.
- 1.4. In addition to Oak Drive to the north-east, Glen View and The Close to the south-west also provide for residential development. A childcare facility operated by Cocoon is located almost midway along the south-eastern side of the site. The southern corner of the subject site is only 218 m from Blessington Main Street, on a direct route.
- 1.5. Reference is made on file to the presence of two recorded monuments on site. These are two circular mounds, one to the south-western corner, adjacent to the roundabout and the other is located towards the centre of the site. A third site was located adjacent to the north-eastern boundary, but the remains of this monument no longer exist.
- 1.6. Blessington is approximately 22 miles to the south-west of Dublin City Centre. Blessington is served by Dublin Bus route 65, which is hourly during peak times and every two hours, off peak. Bus Éireann route 132 serves Dublin to Tullow/ Bunclody but is pick up/ set down only at Blessington for journeys towards Tullow i.e., it cannot be used from Blessington to Tallaght and Dublin.

2.0 Proposed Development

2.1. The proposal consists of the following:

- The development of a four storey, 120 bedspace nursing home. Includes 60 no. undercroft and basement car parking, open space, and all associated care facilities.
- A residential development of 77 units consisting of:
 - 10 x two-bedroom, two storey houses
 - 19 x three-bedroom, two storey houses
 - 48 no apartments as follows:

Block	Storeys	Two Bedroom	Three Bedroom	Total
A	3	15	0	15
B	3	2	4	6
C	3	2	4	6
D	3	15	0	15
E	3	3	0	3
F	3	3	0	3
Total:		40	8	48

- Vehicular access to the development will be one from the Blessington Inner Relief Road (BIRR) and the other will be from the link road between the BIRR and Main Street.
- The existing roundabout will be upgraded to provide for improved pedestrian access.
- The development is the first phase of a two-phase development for an area of 5.96 hectares.

A number of documents were submitted in support of the application:

- Planning Report – John Spain Associates

- Ecological Impact Statement – Openfield Ecological Services
- Appropriate Assessment Screening – Openfield Ecological Services
- Operational Phase Waste Management Plan – Byrne Environmental Consulting Ltd.
- Construction & Demolition Waste and By-Product Management Plan – Byrne Environmental Consulting Ltd.
- Quality Housing Assessment – Tyler Owens Architects
- Energy Statement – Waterman Moylan Engineering Consultants
- Arboricultural Assessment & Impact Report – CMK Hort & Arb Ltd.
- Archaeological Assessment – IAC Archaeology
- EIA Screening Report – John Spain Associates
- Creche Assessment – John Spain Associates
- Landscape Report & Outline Landscape Specification – Kevin Fitzpatrick Landscape Architecture
- Consulting Engineers Report – DBFL Consulting Engineers
- Infrastructure Design Report – DBFL Consulting Engineers
- Site Specific Flood Risk Assessment - DBFL Consulting Engineers
- Construction & Environmental Management Plan - DBFL Consulting Engineers
- Traffic & Transport Assessment Report - DBFL Consulting Engineers

Further Information and subsequently Clarification of Further Information was sought from the applicant. No significant alterations to the layout were made as a result of the further information/ clarification of further information responses.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions which are generally standard. Condition no. 6 required the provision of a fully detailed construction management plan to be prepared/ submitted; condition no. 8 required

that a) no development to commence until the Road Authority confirms that construction of the northern section of the BIRR has commenced and b) no units to be occupied until the Road Authority confirms that the northern section of the BIRR has been completed; Condition no. 18 refers to the need for a detailed management plan for the preservation, protection and presentation of the recorded monument (W1005-019) on site and an archaeologist is to be employed to monitor all topsoil stripping and Condition no. 21 refers to details of the all signage on the Nursing Home to be submitted to the Planning Authority for agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision to grant permission subject to conditions. Further information was sought in relation to a number of issues which included in summary:

1. details on the capacity of the BIRR/ necessary upgrades and to submit an Engineering Report in relation to the impact of works on the capacity of the BIRR/ the ability to carry out future upgrade works to the BIRR,
2. revised details on the internal road network, junctions, sight lines, parking location, need for a Stage 2 Road Safety Audit and provision to be made for electric vehicle charging points/ car parking spaces,
3. provision of a public lighting layout for the site,
4. Surface water drainage details,
5. Full details in relation to foul drainage/ need for pumping,
6. Revised details/ location in relation to bicycle parking,
7. Details in relation to finished floor level/ need for retaining measures in rear gardens; and
8. Need for an archaeological examination of the site.

Following the receipt of further information, clarification of further information was sought in relation to the revised road layout, this issue was addressed in the submission to the Planning Authority. The Municipal District Engineer remained concerned about the impact on the capacity of the existing road network, however it

was decided to grant permission following consultation by the Planning Authority Case Officer with the Senior Engineer of Wicklow County Council.

3.2.2. **Other Technical Reports**

Municipal District Engineer - Baltinglass: Further information requested in relation to road/ junction capacity including the Blessington Inner Relief Road, need to ascertain impact on existing capacity of roundabout, details of sight lines/ visibility splays to be provided, road marking details, need for a Stage 2 Road Safety Audit, road widths may need to be revised to reduce road speeds, pedestrian facilities to be upgraded, and details required on road drainage.

At further information stage, concern was expressed about the capacity of the road network and this issue was further expressed when the clarification of further information response was received.

Senior Engineer, Roads Department: A number of issues were raised including parking provision, bicycle parking, maximum radii of 6 m for primary access, road widths, junction works to be in accordance with TTA, electric vehicle parking to be provided for and a public lighting plan to be provided for.

Following the receipt of further information, report noted that the submitted details were accepted subject to conditions.

Housing Directorate: No objection subject to conditions.

Chief Fire Officer: No objection subject to conditions in relation to the need for a Fire Safety Certificate, a Disability Access Certificate, and the need for appropriate fire hydrants.

3.2.3. **Prescribed Bodies Reports**

Irish Water: No objection subject to conditions. It is noted that the Blessington Waste Water Treatment Plant is at capacity and the proposed development can only be connected to the new WWTP when it is operational.

At further information stage, conditions were recommended in the event that permission is to be granted.

Dublin City Council – Water Services: No objection to the original application and the same response was made to the further information response.

An Taisce: Note the location of three recorded monuments on the site and request that a geophysical survey and test trenching be carried out, this to be done by way of a further information request.

Department of Culture, Heritage and the Gaeltacht: Request that further information be sought in order to provide for an archaeological impact assessment of the development. An Archaeologist to be employed to carry this out, to assess available information and to excavate test trenches in appropriate locations. A report to be prepared and submitted to the department and to the Planning Authority.

On receipt of the further information response, the department reported no objection to the development subject to conditions. The recorded monument – WI005-019 to be preserved in-situ and WA005-019 to be provided with an additional 200 m depth of imported topsoil to provide for additional buffer between the monument and the ground level.

Wicklow County Childcare Committee: Verbal report received with no objection to the development – adequate capacity exists in the nearby Cocoon childcare facility to serve this development.

3.2.4. **Objections/ Observations**

A number of objections to the proposed development were received. These are broken down as follows:

CDP Architecture have made the following comments on behalf of Downshire Lodge Nursing Home Ltd. and Downshire Place Independent Living Ltd.:

- Permission has recently been given for a 110 Bedroom Nursing Home circa 250 m from the subject site. There is a concern that the proposed development may result in an over provision of nursing bed space within the town and lead to unsustainable development of such facilities.

Blessington FC have made the following comments:

- Refer to policies to increase the amount of amenity lands in Blessington.
- There is a lack of playing facilities in Blessington.
- The proposed development does not consider the need for more amenity lands in Blessington.

Frank Smyth made the following comments:

- The Blessington Inner Relief Road is not in the charge of Wicklow County Council, the legality of this needs to be addressed.
- There are already problems with water supply and water pressure in the area and there is a concern that the development may increase these issues.
- Concern that the development may cause issues in relation to floodplains in the area.
- Concern that there is a shortfall in car parking provision to serve this development and overflow parking will take place on adjoining sites.
- Mr Smyth is a resident of Deerpark and considers the residents to be at a disadvantage as this development is not taken in charge by Wicklow County Council.

4.0 Planning History

P.A. Ref 20/362 refers to a November 2020 decision to grant permission for the second phase of development on the overall Glenveagh lands and consists of:

A) The construction of 96 no. dwellings providing 39 no. 2 storey 2-bedroom houses, 54 no. 2 storey 3-bedroom houses along with 3 no. 2 bedroom duplex/apartments in a 3-storey block, all apartment units to have balcony or terrace;

B) Hard and soft landscaping (including public lighting) and open space (boundary treatment); communal open space for duplex apartments; well as regrading/re-profiling of site where required as well as bicycle/ bin stores and 178 no. car parking spaces.

C) Vehicular access from the west (from Blessington Inner Relief Road [BIRR]) and south-west along link road between the BIRR and Main Street, with provision for pedestrian connection to Oak Park to the east.

D) Surface water attenuation measures (including underground attenuation systems) as well as connection to water supply, drainage.

E) All ancillary site development/construction works.

This development on a site area of 3.43 hectares is located to the north-east of the appeal site. This application was submitted concurrently with the subject application/ appeal.

5.0 Policy and Context

5.1. Wicklow County Development Plan

- 5.1.1. Blessington is designated a Level 4 (Moderate Growth Town) in the County Wicklow Development Hierarchy contained within the Wicklow County Development Plan 2016 - 2022. Located within the hinterland area, it serves the rural hinterland as a market town.
- 5.1.2. The Settlement Strategy allows for a targeted population increase from 4,780 in 2011 to 7,500 in 2028. It is proposed that the N81 will be realigned to the west of the town.
- 5.1.3. Chapter 4 – ‘Housing’ includes the following:
- ‘HD6 Notwithstanding the zoning / designation of land for residential purposes, the Development Management process shall monitor and implement the population targets of this plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.’
- ‘HD7 The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles’.
- 5.1.4. Chapter 8 – ‘Community Development’ includes the following, which are relevant to this development:
- ‘CD18 To facilitate the development and improvement of new and existing residential and day care facilities throughout the County’.
- ‘CD19 Residential and day care facilities shall in general be required to locate in existing towns or villages and shall be located close to shops and other community facilities required by the occupants and shall be easily accessible to visitors, staff and servicing traffic; locations outside of delineated settlement boundaries shall only be considered where:

- the site is located in close proximity to a settlement and would not comprise an isolated development;
- there are excellent existing or potential to provide new vehicular and pedestrian linkages to settlement services; and
- the design and scale of the facility is reflective of the semi rural location’.

5.1.5. Appendix 1 refers to Development and Design Standards and the following are particularly relevant:

- Section 1 Mixed Use and Housing Developments in Urban Areas
 - ‘new developments will require to be ‘integrated’ with the existing built fabric, in the sense that it will knit together, both physically and visually with the surrounding buildings;
 - new developments will be required to form new street frontage or to bridge existing gaps in the streetscape. Where an access point is required, this should be in the form of a tunnel or arch. Where appropriate or necessary, buildings may however be stepped backwards or forwards, to add visual interest and variety to the town, subject always to this not undermining or interfering with an established streetscape;
 - the development of new streets and squares will be encouraged, as well as the opening up of new links between sites or from backlands to the street front;
 - where the plot width of the site is considerably wider than the prevailing plot width along the street, the new building’s facade will be required to be broken into visually distinguishable elements, to allow for a more seamless transition between existing and new’;
- Design Quality – Layout:
 - ‘New urban developments shall be so laid out to have a ‘relationship’ with the public realm, with windows / balconies overlooking existing or proposed streets / open spaces. Buildings backing onto public areas, whether they are streets or public open spaces, will not be permitted;

- Other than along existing street frontage where it may be necessary to maintain an existing building line, a variety in set backs and building lines shall be provided to provide for visual interest and to create interesting spaces. As set out in Section 7 to follow, car parking does not always have to be located uniformly along the front of houses;
- Notwithstanding established separation ‘rules’ that may be applied to maximise privacy for dwellings (see below), traditional back-to-back rows of 2-storey houses, exactly 22m apart should be avoided and more imaginative layouts and building forms provided, subject always to adequate privacy being provided;
- Layouts shall ensure adequate sunlight and daylight, in accordance with “Site layout planning for daylight and sunlight: a guide to best practice”, (BRE 1991);

5.2. Blessington Local Area Plan 2013 – 2019

5.2.1. The majority of the site is zoned ‘Proposed Residential’ in the Local Area Plan – ‘R1’ and which seeks ‘To protect, provide and improve residential amenities’. The remaining part of the site towards the south-eastern side, is zoned Town Centre and which seeks ‘To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation’. ‘Hospital/ Nursing Home’ uses are listed as permitted in principle on such zoned lands.

5.2.2. There is an indicative road line along the south-eastern boundary.

5.2.3. Section 7 refers to Service Infrastructure and I note the following:

‘S2 To improve and expand wastewater treatment facilities sufficiently to ensure that no barriers exist in Blessington fulfilling its role as a moderate growth town as set out in the Wicklow ‘Core Strategy’ and Regional Planning Guidelines for the GDA 2010 – 2022’.

‘S3 To have regard to the provisions of the ‘The Planning System and Flood Risk Management’ Guidelines (DoEHLG 2009) and the Flood Risk Assessment carried out as part of this plan.’

‘S6 To facilitate the N81 (Tallaght to Hollywood) re-alignment and to work with the NRA road design office to ensure that amenity routes from the town centre to Glen Ding are facilitated in the final design of the road. Any development within the preferred route corridor will be assessed for acceptability having regard to potential affects on the future viability of the proposed road’.

‘S9 To improve / provide new footpaths and cycleways on existing roads as funding allows and to facilitate the provision of new roads, footpaths and cycleways as detailed in chapters 3, 5 and 10 of this plan’.

- 5.2.4. No issues of flooding are indicated in the Flood Risk Assessment included with the Local Area Plan. Flooding issues are identified on lands to the north-west of the site.

5.3. National Guidance

5.3.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.3.2. Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and

appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.3.3. **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2020).**

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas. The following sections, summarised, are of particular relevance to this development:

- Specific Planning Policy Requirement 1: Developments may include up to 50% one bed/ studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- Specific Planning Policy Requirement 3: Minimum apartment standards are provided.
- Specific Planning Policy Requirement 4: Standards for minimum number of dual aspect units. 50% in the case of suburban or intermediate locations.
- Specific Planning Policy Requirement 5: Minimum floor to ceiling heights.
- Specific Planning Policy Requirement 6: Maximum of 12 apartments per core.
- Appendix 1 provides 'Minimum Floor Areas and Standards'.

5.3.4. **Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).**

5.3.5. The following are also relevant:

- **Design Manual for Urban Roads and Streets (DMURS).**
- **Permeability Best Practice Guide (NTA, 2015).**

5.4. **Archaeology – Recorded Monuments**

WI005-013 – Habitation Site: located to the south-west of the site. Described as a circular mound and was likely to have been constructed as an 18th century /19th century landscape feature, together with four more which are not described.

WI005-019 – Barrow Site: located towards the centre of the site. Described as a circular mound with external annular ditch (max. ext. diam. c. 14m). No visible surface remains.

WI005-020 - Designed landscape feature: Located to the north-east and not on the subject site. Nothing of archaeological significance was found during excavation of trenches in 2005.

5.5. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands. The Poulaphouca Reservoir (Site Code 004063) which is a SPA and a pNHA, is located approximately 423 m to the southeast of the site, at its nearest point. This reservoir has been created by damming the River Liffey to the east of Blessington.

5.6. **EIA Screening**

- 5.6.1. An Environmental Impact Assessment Screening report, prepared by John Spain Associates, was submitted with the application. This was carried out for the entire lands, including those forming the subject application and the development under PA Ref: 20/362.
- 5.6.2. The site and proposed development are described. The development is for 77 residential units consisting of 29 houses and 48 apartment units, and a nursing home of 120 no. bedrooms and all road, drainage, water supply and associated site works. The development is one phase of a two-phase development, the other phase provides for a total of 96 no. houses. The submitted EIAR Screening combines both phases.
- 5.6.3. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.6.4. The development of these lands will provide for a nursing home and a total of 173 residential units over two phases and is sub-threshold and significantly below the mandatory threshold of an EIAR at 500 units. The total lands/ masterplan area is for a site of 5.96 hectares which includes the roundabout area of 0.5 hectares and is below the threshold of 10 hectares for a built-up area. The majority of the Masterplan lands are zoned R1 – New Residential, a small area is zoned OS and a portion which includes the subject sites is zoned TC – Town Centre uses, with an area of circa 1 hectare. This is below the threshold of 2 hectares for business district lands. I am satisfied that the development is sub-threshold in terms of proposed units numbers/ development description and in terms of site area/ site zoning.

5.6.5. The screening report then considers the development in terms of the need for a sub-threshold environmental impact assessment. Schedule 7 provides a list of criteria for determining whether development lists in Part 2 of Schedule 5 should be subject to Environmental Impact Assessment and these criteria are grouped under three broad headings as follows:

- Characteristics of the proposed development
- Location of the proposed development; and
- Types and characteristics of the potential impacts.

5.6.6. **Characteristics of the Development:** Full details are provided on the description of the development – in summary this will provide for 77 residential units and a 120-bed nursing home as part of a larger development that will provide for 173 residential units and a nursing home. The development is not a particularly large-scale project or overly dense in its urban context. The site is adjacent to Blessington town centre and existing residential development. The mix of TC, R1 and OS zonings demonstrate the suitability of the site for the proposed development. The zoning of the site has been assessed as part of the Strategic Environmental Assessment

(SEA) and Appropriate Assessment (AA) processed as part of the Blessington LAP process. This is a greenfield site, and no demolition is proposed/ required.

5.6.7. **Location of the proposed Development:** The site is located to the northern side of Blessington and extends to an area of circa 6 hectares. The site is covered in grass and scrub with no significant tree stands/ specimens. Some hedgerow is found to the eastern side of the site. The site is not located within or adjacent to any SAC or SPA. The site is approximately 400 m from the boundary with the Poulaphouca Reservoir, which is a SPA. An Appropriate Assessment Screening has been undertaken by Openfield Ecological Consultants and finds that the development is not likely to result in any significant effects to any Natura 2000 site.

5.6.8. **Types and characteristics of potential impacts:** These are broken down under headings in accordance with Directive 2014/52/EU and considered accordingly.

Population & Human Health: May be short terms nuisances from noise, dust and pollution during the construction phase. These are not likely to be significant and suitable mitigation measures will be employed to address these. A Construction Management Plan (CMP) is submitted with the application. No operational impacts would impact negatively on population and human health.

Biodiversity: The site is not within or directly adjacent to any SAC or SPA. A description of the site is provided. No rare/ threatened plant species were recorded, and no alien invasive plants were found either. A submitted Ecological Impact Assessment, by Openfield, found no fauna of interest on site. Biodiversity will not be impacted by the development.

Lands & Soils: Soils will be excavated and moved within and from the site. A Construction Traffic Management Plan (CTMP) will be prepared by the contractor and agreed with the Planning Authority prior to the commencement of development. No significant long-term impacts to soil during the operational phase are predicted. The only mitigating measures during the operational phase are regular maintenance of SuDS features. The development will result in an increase in impermeable surface areas and measures to address surface water run-off may provide a slight, positive long-term impact on soils and geology.

Water: DBFL were engaged to prepare a site-specific Flood Risk Assessment. The majority of the site is in Flood Zone C; a small area to the north-east corner of the

site is within Flood Zone B. This is to be used as a private amenity/ garden space. Compensatory measures will be employed throughout the site such as floor levels within the development being set at a minimum of 500 mm above predicted 100-year flood levels. Water quality will not be significantly affected by the proposed development.

Air & Climate: The construction phase may give rise to some increase in dust levels on the site, however suitable mitigation measures will be employed. The operational phase is unlikely to have any impacts though the constructed buildings will be built to a high standard with good energy efficiency incorporated. No large structures are proposed that would give rise to impacts from shadowing and/ or wind shear. Road traffic may give rise to increased levels of greenhouse gas emissions, though in the context of the national situation, this will be insignificant.

Cumulative Impacts: The proposed development has been considered in conjunction with a development to the south of the site which was under construction at the time of this assessment. No adverse impacts are foreseen.

Outline Mitigation Measures: Best practice will be employed during the construction phase of development.

Noise & Vibration: May be experienced during the construction phase of the development, but none at a significant level during the operational phase. Suitable measures will be employed to control such issues during the construction phase.

Landscape: There are no landscape designations on the site and the lands are not of any importance in the context of the area. The development will not give rise to any significant landscape or visual effects.

Material Assets: The lands are zoned for development in accordance with that proposed and therefore the lands are a material asset. The development will provide for housing and will not have a significant negative impact on any material assets.

Archaeology, Architecture and Cultural Heritage: Proposals are provided to ensure the protection of the recorded monuments on site.

Vulnerability of the projects to risks of major accidents/ disasters: The impact from flooding was considered in the Site Specific Flood Risk Assessment prepared by DBFL.

Inter-relationship between the above factors: The report/ assessment considers the inter-relationship between the listed factors. Suitable measures will be employed during the construction phase to ensure that all issues are considered/ addressed. The development will be carried out in accordance with the outline Construction Management Plan and the Construction Waste Management Plan, submitted in support of the application. In conclusion, it was found that the development would not significantly cause effects on the environment in the area or on the local population.

The tables provided under Section 5.2 of the Screening Report provide further detail on the development and the relevant response.

- 5.6.9. In conclusion the report finds that the development is below the threshold for a mandatory EIAR and that a sub threshold EIAR is not required. The following is noted: 'In conclusion, it is considered that the proposed development will not have any significant impacts on the environment. All recommended mitigation measures and standard practices will be employed throughout the construction and operation phase of the development to ensure that the proposed development will not create any significant impacts on the quality of the surrounding environment'.
- 5.6.10. **Assessment:** The proposed development is for a mixed-use scheme of 77 residential units in the form of apartments and houses and a 120-bed nursing home on lands within the urban area of Blessington. The site is zoned for Existing Residential, and Town Centre uses. The site with a stated area of 2.97 hectares forms part of a larger site area of 5.96 hectares, the remaining lands are proposed/ permitted for residential development, providing for an additional 96 units. The proposed development does not meet the criteria for Mandatory EIA as the number of units is less than 500 and the site, which is predominately zoned for residential uses, is less than 10 hectares in area.
- 5.6.11. I have summarised the contents of the report and I agree with the general form and conclusions of the EIA Screening Report. The proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that

arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would not be significant.

5.6.12. **Conclusion:** Having regard to the above I have 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 and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

Downshire Lodge Nursing Home Limited and Downshire Place Independent Living Limited, have engaged the services of CDP Architecture to appeal the decision of Wicklow County who granted permission for this development. The issues raised in the appeal included the following:

- Wicklow County Council recently granted permission under P.A. Ref. 19/940 for a 110 bed nursing home circa 250 from the subject site. Significant research and preparation were spent on this application.
- The proposed development may provide for an oversupply of bed spaces within the town and which would affect the viability/ sustainability of the permitted nursing home.
- Request that the nursing home element of the development be omitted from the permitted development.

Included in support of the appeal are copies of the Wicklow County Council acknowledge of receipt of observation, third party observation on the application and copy of the Wicklow County Council decision to grant permission.

6.2. Applicant Response

The applicant has engaged the services of John Spain Associates – Planning & Development Consultants to prepare a response to the third-party appeal.

The following points are made:

- Request that the appeal be dismissed under Section 138(1)(a)(i) and (ii) as the appeal is without substance and is made with the sole intention of delaying the proposed development by Glenveagh.
- The appeal does not meet the criteria of Section 127(1)(c) and (d) in that the full 'grounds of the appeal and the reasons, considerations and arguments on which they are based' are not provided. The appeal is based on commercial considerations and no evidence has been provided to support this argument.
- **Oversupply of Nursing Home bed spaces:** A significant amount of supporting documentation/ drawings were submitted with the application and which was subsequently granted permission by Wicklow County Council. The site is suitably zoned for such development. The overall development of these lands will provide for a suitable high-quality scheme.
- **Site Location/ Description:** The site is located within the urban area of Blessington town centre adjacent to existing retail and residential development and adjacent to a childcare facility operated by Cocoon Childcare. There are a number of schools within walking distance of the site. The local road network is of a good quality and the development is in accordance with the Blessington Local Area Plan.
- The proposed development will provide for 77 residential units and a 120 bed nursing home as part of a larger scheme that will provide for 173 residential units and a nursing home. Two new vehicular accesses will be provided to serve the development.
- **Issue of oversupply of nursing home bed spaces:** No evidence to support this statement has been provided by the appellant. The applicant supports the comments and report of the Planning Authority in that there is a demand for such nursing home accommodation in the area.

- There is a demand for such nursing homes at a local and regional level. At present the nearest such facilities are in Naas. The proposed development will provide for an economic boost to this part of Co. Wicklow.
- In conclusion it is requested that the development be granted permission.

6.3. **Planning Authority Response**

None.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic, Access and Car Parking
- Water Supply and Drainage
- Over Provision of Nursing Home Bed Spaces – Appeal Reason
- Other Issues
- Ecological Impact Statement
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The proposed development is for 77 residential units, in the form of apartments and houses, and a 120-bed nursing home on a site area of 2.47 hectares. The subject site is zone partially 'R1 – Proposed Residential' and the remaining part of the site is zoned for Town Centre uses. The total lands have a stated area of 5.4 hectares and are to be developed in accordance with a masterplan – 96 residential units were permitted on the remaining lands.

- 7.2.2. National Policy for such a residential development would normally require a density at 35 units per hectare, the proposed density is circa 38.88 units per hectare, when the area of the nursing home is omitted. The overall lands will provide for a density of circa 35 units per hectare. I am satisfied that the proposed density is acceptable, and the general layout is appropriate in this location/ part of Blessington town centre.
- 7.2.3. Whilst Blessington is served by both Dublin Bus and Bus Éireann, the current public transport provision is not of a suitable frequency/ capacity for the provision of high-density development. However, the site is within Blessington Town Centre where a range of commercial, social, and retail services are available and as identified by the applicant, schools are within walking distance. Taking all these factors into account, I therefore consider the scale and nature of development to be acceptable in this location.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The subject site has the benefit of access to a number of roads. 'Road 1' will provide for a direct access from the Blessington Inner Relief Road (BIRR) which serves the subject site and the lands to the north-east. Road 1 projects eastwards from the BIRR, then veers to the south and continues to the south-west to connect to the local access road that connects the BIRR to Blessington Main Street. Road 7 provides an internal access within the site.
- 7.3.2. The proposed nursing home is located to the south-eastern side of the site. This is a four-storey building over basement consisting of:
- A ground floor with half of the area providing for an undercroft car park (12 spaces) and ramp to a basement car parking area (48 spaces) and the remaining section provides for the main entrance foyer, various canteen, day rooms, offices, meeting rooms and other facilities. In addition, an oratory and laundry room is provided and kitchen/ facility area.
 - First Floor – Total of 30 bedrooms, activity rooms, tv room, day room, quiet room, staff facilities and storage provision.
 - Second Floor – Total of 45 bedrooms, activity rooms, day room and staff facilities/ storage areas.

- Third Floor – Total of 45 bedrooms, activity rooms, day room and staff facilities/ storage areas.

7.3.3. The proposed nursing home is considered to be visually acceptable and provides for a suitable form of development on this corner site. The building is to be clad in brick, with details to be agreed with the Planning Authority. I consider the use of brick to be appropriate as it ensures a hard-wearing material that will weather in an acceptable manner over time. The top of the elevations/ roof line is designed to present a ‘wavy’ design, and this will provide for some architectural interest in this location.

7.3.4. The proposed houses are located to the south-west of Road 1 and consist of:

- 12 x two-storey, semi-detached, three-bedroom houses (Type C1).
- 6 x two-storey, end of terrace, three-bedroom houses (Type D).
- 10 x two-storey, mid terrace, two-bedroom houses (Type E).
- 1 x two-storey, detached, three-bedroom house (Type F).

The proposed houses face onto either Road 1 or onto Road 7 to the south-west.

The design of the houses is considered to be acceptable, and a mix of brick/ render provides for a suitable external finish. Additional details are provided for the Type C houses that are located at the end of a row of houses, in this case House no. 12 and includes bay windows in the gable elevation. This allows for an increased level of passive surveillance and is considered to be acceptable. The mix of house types is considered to be appropriate.

7.3.5. The proposed apartments are located to the western and south-western sides of the site and face onto the BIRR, the roundabout, and the local access road. Four blocks of apartments are proposed and consist of:

Block/ Type	Storeys	Two Bed	Three Bed	Total
A - Apartments	3	15 (4 Person)	0	15
B – Duplex Apartment	3	2 (4 Person) 2 (4 Person)	2 (5 Person)	6
C – Duplex Apartment	3	2 (4 Person) 2 (4 Person)	2 (5 Person)	6

D - Apartments	3	15 (4 Person)	0	15
E - Apartments	3	3 (4 Person)	0	3
F - Apartments	3	3 (4 Person)	0	3
		Total:		48

- 7.3.6. The apartments are finished with a mix of brick and render, similar to that of the houses. It is considered that the mix of apartment types is acceptable and although two-bedroom units dominate, there is a good mix of unit layouts within this apartment type; two-bedroom units are found in the larger blocks A & D and also on the own floor blocks E and F. This mix of apartment types is welcomed as it provides a choice of unit types as well as a mix that improves the character of the development.
- 7.3.7. A large centrally located area of open space is provided to the south-west of Road 07 and which is overlooked by apartment blocks A to C. It is indicated on the 'Landscape Masterplan' – Drawing No. 101 that a playground is to be provided in this open space area. This is appropriate as it will benefit from good passive surveillance and is easily accessible to all residential units.
- 7.3.8. Additional areas of open space are provided to the west of blocks B & C and to the east of Road 01 opposite Block E and houses 1 to 4. Other smaller areas of incidental open space are located throughout the site. In addition to their amenity function, they provide for a suitable visual buffer between the apartment units, the houses, and the nursing home. An area of open space is allocated to the nursing home. The archaeological site to the south-west corner is incorporated into the landscaping/ open space plan, thereby ensuring a level of protection for this identified site. Final landscaping details will be conditioned to be agreed with the Planning Authority and it is considered to be appropriate that a suitably qualified landscape consultant be engaged to monitor the implementation of this landscape plan.
- 7.3.9. The proposed development provides for a high quality of layout and unit mix that will integrate with the existing development on surrounding sites. The edge of town centre location will allow for future residents to walk to and from their homes and the

retail/ services available on Main Street. The development will provide for an appropriate extension to the urban centre.

- 7.3.10. Similarly, the nursing home will provide for an appropriate use of this town centre zoned site. The nursing home provides for a suitable transition between the existing retail units to the south-east of the site and the residential units provided on the subject site.

7.4. **Impact on Residential Amenity**

- 7.4.1. **Proposed Amenity Standards:** The proposed houses provide for a suitable high quality of residential amenity in terms of adequate room sizes and storage provision. Private amenity provision is also good. Adequate separation distances are provided between House 1 to 12 and 106 to 121.
- 7.4.2. I note that the Type E, mid terrace houses have an internal width of only 4 m. This is very narrow, but the internal layout has been carefully considered and provides for a good quality of layout. These are two-bedroom units, with each bedroom served with an en-suite. Whilst the width of the houses is narrow at 4.41 m, the rear garden has a depth of 13.6 m, thereby providing for a high quality of amenity space. The internal widths do demonstrate compliance with Section 5.3 Internal Layout and Space Provision of the Quality Housing for Sustainable Communities (2007). It is considered appropriate though to omit, by way of condition, the exempted development rights under Class 1 and 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001. The provision of an extension or a shed to the rear of these houses may negatively impact on adjoining properties and any such development can be processed through the Planning Authority by way of a planning application.
- 7.4.3. All apartment units are provided with adequate floor areas and room sizes. Storage provision meets the required standards, and all units are provided with good quality private amenity space. All apartment units are at least dual aspect with a number of units providing for triple aspects and blocks E & F provide for quad aspect units. As the apartments are in three storey blocks, no lifts are provided for, with access to the upper floors by way of stairs. Additional details are provided in the Housing Quality Assessment submitted with the application.

- 7.4.4. **Impact on Existing Residential Amenity:** The location and layout of the development will ensure that overlooking leading to a loss of privacy of existing residential units does not occur. The development is on a greenfield site with adequate separation distances between the proposed development and the existing residential units to the south-west and south.
- 7.4.5. **Daylight, Sunlight and Overshadowing:** No details have been provided in relation to daylight, sunlight and overshadowing assessment with the application. The Wicklow County Development Plan 2016 - 2022 states in 'Appendix 1 – Development Design Standards', that the layout of new development should be in accordance with BRE guidelines. The Building Height Guidelines (2018) also seeks compliance with the requirements of the BRE standards and the associated British Standard (BS EN 17037:2018 has replaced the withdrawn BS 8206-2:2008), and that where compliance with requirements is not met that this would be clearly articulated and justified.
- 7.4.6. The Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values to measure daylight, sunlight and overshadowing impact and which includes:
- Average Daylight Factor (ADF)
 - Vertical Sky Component (VSC)
 - Annual Probable Sunlight Hours (APSH)

It should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/ criteria, as per paragraph 1.6 of the guidelines. The BRE guidelines also state in paragraph 1.6 that 'although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider a range of factors in determining an appropriate site/ development layout, including orientation, the efficient use of land and the arrangement of open space. These factors will vary from urban locations to more suburban ones.

- 7.4.7. The BRE guidelines state that in relation to daylight to existing buildings that the 'Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small..' (para. 2.2.4).
- 7.4.8. There is adequate separation provided between the proposed development and the existing residential developments to the south-west of the site. The separation between Block A and the nearest residential block to the south-west is circa 37 m. Similarly, the separation between the nursing home and the existing residential units to the south-west is circa 34.4 m. The proposed development is therefore not situated close enough to existing dwellings to perceptibly impact daylight or sunlight levels and the location of these units to the north-east will also ensure the protection of the residential amenity of the existing residential units. I note that the north-east elevation of the existing building opposite Block A only has one window its elevation. Therefore, no analysis of the impact of these proposed buildings on any existing properties is required, as the potential is negligible and can be ruled out without further testing as per para.2.2.4 of the BRE guidelines.
- 7.4.9. All other neighbouring properties are situated a sufficient distance away from the development and would not experience any, or significant, loss of light / increased overshadowing.
- 7.4.10. I do not consider the omission of a specific daylight, sunlight, and overshadowing assessment to be significant given the specific characteristics of the proposed development. The proposed development is for a mixed development of a nursing home and housing on land zoned for such uses, situated on the edge of an existing urban area, Blessington town centre. As the standard separation distance, as per Development Plan standards has been applied, it is considered adequate regard has been had to the preservation of the residential amenity of existing properties to the south-west, when balanced against the need for housing on zoned and suitably serviced lands.
- 7.4.11. Despite the lack of a submitted assessment with the application, I have given a detailed explanation above, of my assessment of daylight and sunlight impacts upon existing residents in accordance with the criteria described in the guidelines. The

key issues are that separation distances between the existing and proposed developments are acceptable and that the orientation/ layout of the proposed development will ensure that impacts upon daylight and sunlight would not be significantly harmful. Therefore, while a specific assessment has not been submitted with quantification of this impact, in my opinion the proposed development has been designed in consideration of potential daylight and sunlight impact upon existing residents and this is reflected in the scale and layout of the proposal.

7.4.12. In addition, I note that the Planning Authority has not raised concern in relation to this issue. No concerns in relation to negative impact on existing residential amenity were raised by the Planning Authority and the received objections to the original application did not raise any issues in relation to loss of daylight/ sunlight. In my view, it is accepted practice within the Wicklow Planning Authority area for schemes of a traditional character and relatively low density to not require the submission of a specific daylight and sunlight assessment. On this basis, it is reasonable to interpret that the requirement under the Development Plan concerning BRE standards is considered to be achieved, and the proposed development as submitted/ revised by further information is within best practice limits.

7.5. Traffic, Access, and Car Parking

7.5.1. I note the reports of the Municipal District Engineer (MDE) and the Roads Department. The MDE remained concerned about the development in terms of impact on the capacity of the local road network throughout the assessment process. The Planning Authority Case Officer was waiting on a report from the Roads Department, however a decision to grant permission was made following discussion with the Senior Engineer. Condition no.8 was included in response to this issue, no development to commence until written confirmation is received that the northern section of the BIRR is commenced and secondly, no units to be occupied until the BIRR is fully constructed.

7.5.2. I note the contents of these reports and the various issues/ concerns raised in these reports. The assessment of this application by the Planning Authority was undertaken in 2020 during the Covid Pandemic and I would expect that the preparation of reports etc. may have been delayed.

- 7.5.3. From the site visit, the proximity of the site to the town centre was noted and also the fact that the primary access to the site is from the BIRR, which is a relatively modern road. Secondary access is available to the south-west of the site and the two access points are internally connected by Road 01. I have already reported on the acceptability of this site and from a sequential assessment, this site through its location is entirely appropriate. It is to be hoped that local traffic movements from this site will be reduced in comparison to other developments in Blessington as retail, childcare and other services are accessible on foot and are likely to be much more quickly access on foot than by car.
- 7.5.4. I again note the concerns regarding traffic and road capacity; however, I consider this site to be appropriate for development and which is suitably served by the existing road network in the area.
- 7.5.5. Adequate car parking is provided on site to serve the proposed residential units. The Planning Authority report identifies a shortfall of four parking spaces, but this was considered to be acceptable in terms of the central location of the site within Blessington town centre. Car parking for the houses is in curtilage and that for the apartments is in close proximity and is accessible. It is considered appropriate that all parking for the apartments be provided with suitable electric vehicle charging facilities/ provision for same.
- 7.5.6. Acceptable provision is made for bicycle parking on site also. The location of bicycle parking was revised at further information stage, and it is considered to be acceptable.

7.6. Water Supply and Drainage

- 7.6.1. No objection was raised in relation to water supply serving the proposed development. Dublin City Council reported no objection to the proposed development.
- 7.6.2. Similarly foul drainage proposals were acceptable subject to agreement with Irish Water. A suitable surface water drainage system proposal was submitted in support of the application.
- 7.6.3. A Site-Specific Flood Risk Assessment was prepared by DBFL Consulting Engineers and was undertaken for the entire masterplan lands. The site is located within Flood Zone C, outside of the 0.1% AEP (Annual Exceedance Probability). On the overall

masterplan lands, a small area to the north of the site is within Flood Zone B – between 1% and 0.1% AEP. This land is proposed as open space and does not form part of the appeal site. It is proposed that finished floor levels will be raised a minimum of 500 mm above predicted 100-year flood events.

7.6.4. In conclusion the proposed development of a nursing home and residential units is appropriate for the site's flood zone category and the development has good flood protection up to the 100-year return event. Pluvial flood exceeding the 100-year capacity of the drainage system would require the provision of recommended flood routing mitigation measures.

7.6.5. I am satisfied that the site does not experience any significant flooding events and that suitable measures have been incorporated into the layout/ design to address any potential flooding issues. I note that concern was raised in one of the letters of objection to the original application in relation to flooding, however the submitted report addresses such concerns in a satisfactory manner.

7.7. Over Provision of Nursing Home Bed Spaces – Appeal Reason

7.7.1. A single appeal was received, prepared by CDP Architecture on behalf of Downshire Lodge Nursing Home Limited. In summary permission was granted under P.A. Ref. 19/940 for a 110 Bedroom Nursing Home approximately 250 m away from the subject site. The appeal outlines that extensive research and preparation of business models was undertaken before planning permission was sought. The concern is that the proposed development of a Nursing Home would result in an oversupply of bed spaces in the area and as such would negatively impact on the viability/ sustainability of the appellants permitted development. It is requested that the nursing home element of the proposed development be omitted and be replaced with a more suitable development.

7.7.2. An appeal response was prepared by John Spain Associates in support of the development/ opposing the appeal. They consider the appeal to be vexatious/ without substance and only concerned with the economic impact of the development. This report and supporting information are noted; however, the appeal has been considered as acceptable and will be assessed accordingly.

7.7.3. The appellant has referred to the background work and assessment that they undertook, but no supporting information has been provided with the appeal in

relation to this. I cannot comment on the acceptability or otherwise of their proposed development other than to say that it is located on the opposite side of the Main Street (southern side), has received a grant of planning permission, and therefore may proceed.

- 7.7.4. The subject site, where the nursing home is proposed to be located, is zoned for Town Centre uses and which allows in principle for such uses. I have already reported on the design and location acceptability of this site, and I do not foresee any negative impact on the amenity of the area. The location is appropriate as it is in a central/ accessible place forming part of the Blessington town centre. Services are within walking distance for those residences who choose to do so and the site is within walking distance of bus stops, allowing for visits by those who do not have cars or other means of visiting Blessington.
- 7.7.5. There is a demand for nursing homes around the country and Wicklow/ Blessington is no different. The quality of the facility/ level of care generally determines the success of such facilities. The issues raised in the appeal are not supported with any evidence and therefore there is no information to support the appeal and the impact that this development may have on the permitted nursing home. There is no evidence of there being an over-proliferation of nursing homes in the area, if that were the case then the argument could be made that the development would negatively impact on the viability/ sustainability of the permitted facility. The receipt of permission in advance of a similar development does not bestow some privilege on the appellant in this case, that prevents further similar development in the area.
- 7.7.6. I therefore recommend that the appeal be dismissed. The site is suitably zoned for such use, the location is in a central, very accessible location which would strengthen the urban core of Blessington, creating employment at construction and operational stages and which would increase the range of uses in the town centre providing for improved vibrancy/ vitality.

7.8. Other Issues

- 7.8.1. **Archaeology:** The Department of Culture, Heritage and the Gaeltacht requested that an archaeological impact assessment be undertaken. An assessment was undertaken by Irish Archaeological Consultancy Ltd (IAC) and no features of archaeological significance were found during the course of archaeological testing.

A number of post medieval and modern agricultural features were found, and parts of the site were subject to ground disturbance in recent years.

- 7.8.2. The location of Recorded Monument WI005-019 – Barrow, was confirmed and recommendations for its long-term protection and preservation were made in the report and the Department agrees with these and includes recommended suitable conditions. I note the contents of the IAC Assessment Report and the report of the Department of Culture, Heritage and the Gaeltacht, and suitable conditions will be attached in the event that permission is recommended.
- 7.8.3. **Childcare:** The applicant included a ‘Creche Assessment’ in support of the application. In summary, operators in the area were identified and the nearby Cocoon facility has a current (2019) occupancy of 65% which is well below the group average of 85%. This facility has capacity for 123 children. The overall development of these lands/ masterplan area would have a demand for 34 places. Excluding all of the two-bedroom units would provide for a demand for 21 places. The Quarterly National Household Survey (QNHS) indicates that circa 19% of the 0-4 age group use creches. In summary the creche requirement would only be 8 places and there is available capacity in the area. The Planning Authority accepted this report and Wicklow County Childcare reported no objection to the development in relation to this.
- 7.8.4. Comment was made by Blessington Football Club in their submission on the original application, in relation to the need for additional amenity lands in the area. Whilst I agree with their general request for additional lands to facilitate amenity/ sport uses, the subject lands are zoned for residential and town centre uses and the provision of lands suitable for football/ GAA/ rugby etc. uses on this site may not be the optimum use for such lands. The public/ communal amenity lands that this development would generate would provide for a very restricted range of uses considering the site area/ number of units proposed. Such lands would not meet the requirements of sporting organisations such as Blessington FC and other avenues should be explored, in conjunction with the Local Authority, for the identification and development of appropriate sports grounds.
- 7.8.5. The submitted arboricultural assessment prepared by CMK, only identified one tree on site and this was assessed as a Category U specimen. This tree is dying, is

suffering from basal decay, and has suffered from fire damage at the base. I agree with this submitted assessment, and it was the only tree I saw on the day of the site visit.

- 7.8.6. **Conclusion:** The proposed development is considered to be acceptable and appropriate in this location. The appeal only referred to one aspect of the development – the nursing home and sought that this be omitted. As the appeal was accepted as being proper, the entire development had to be assessed and not just the subject of the appeal. To omit the nursing home, as requested, may have impacted negatively on the rest of the development as the applicant has proposed an integrated scheme, even though two different uses are indicated.
- 7.8.7. The nursing home is located on lands zoned for Town Centre uses and the development of this site as proposed will increase the intensity of development in the centre of Blessington. The development of a nursing home also provides for a good transition from the existing retail units to the south-east and the proposed residential units to the north-west. The houses are located on residentially zoned lands and, again, will complete the existing form of development to the north and south-west which is in the form of similar residential development. The proposed development is therefore considered to be acceptable.

7.9. Ecological Impact Statement

- 7.9.1. An Ecological Impact Statement was submitted with the application, prepared by Openfield Ecological Services. This was prepared in accordance with best practice as set out in 'Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland' by the Institute of Ecology and Environmental Management (IEEM, 2016). A site visit was undertaken and a study with a radius of 2 km was undertaken.
- 7.9.2. There are no nature conservation areas on site and the nearest is Poulaphouca Reservoir (pNHA – site code 004063). Its 'features of interest' include the Greylag Goose and the Lesser Black-Backed Gull. Both are listed as of medium conservation concern. The site is not suitable for winter bird wetland species. Water quality in Poulaphouca Reservoir is assessed as being unpolluted.
- 7.9.3. No direct evidence of mammal activity was found on site – no evidence of badgers, bats, otter, pine marten or red squirrel. Birds found on site included Wren and

Magpie – these are of low conservation concern. Drainage ditches on site are not suitable for salmonid fish.

- 7.9.4. Full consideration to the impact on biodiversity during the construction and operational phases are provided. In summary it is found that ‘the species which are already present in this area will not suffer long term consequences arising from this land use change’ (section 5.2). Mitigation measures are provided and include ‘Disturbance to birds’ nests’, ‘Impacts to bats’, ‘Pollution during construction’, ‘Tree damage – mitigation by avoidance’ and ‘Artificial lighting’. The proposed measures are appropriate/ specific to this site.
- 7.9.5. In conclusion the report states ‘No negative effects to biodiversity are predicted to arise from this development which could be considered greater than minor negative’. Monitoring is recommended where the success of mitigation measures cannot be certain. ‘After mitigation, no significant effects are likely to arise as a result of this development to flora and fauna and so monitoring is not required’.
- 7.9.6. The submitted report is noted and it is considered from the available information that the proposed development will not impact on biodiversity to an inappropriate significant level. No biodiversity of significance or with high conservation concern were found on site and biodiversity may benefit from the operational phase of the development.

7.10. Appropriate Assessment Screening

- 7.10.1. A screening report was submitted with the application, prepared by Openfield Ecological Services. The site is not located within or adjacent to any designated Natura 2000 sites (SAC or SPA). The site is located on the edge of Blessington town centre and the lands were in agricultural use only relatively recently. The site is located to the south-east of a relatively new distributor road. A site visit was carried out in April 2019 and the site was found to consist of a large field of dry meadow. A drainage ditch to the north (on the northern phase of development, not part of the subject site) connects into the Deerpark Stream, which is culverted under the distributor road. No plants listed as alien invasive species were found on site.
- 7.10.2. The habitat is not suitable for roosting or feeding use by wading birds, which may be associated with the Poulaphouca Reservoir SPA (Site Code 004063). This is located approximately 400/ 420 m to the south-east/ east of the subject site. The

treeline and hedgerow to the north (not forming part of the appeal site) may be locally important but there are no habitats listed as Annex 1 of the Habitats Directive.

- 7.10.3. Construction and demolition waste will be removed by a licensed contractor and disposed of in accordance with the Waste Management Act. The Deerpark Stream flows into the Poulaphouca Reservoir and is within the catchment of the River Liffey. Currently there is no attenuation of storm water, and any such water will be absorbed into the soil. The development will incorporate the requirements of the Greater Dublin Strategic Drainage Study (GSDSDS) and will incorporate SUDS. Surface water run-off from roofs and driveways will be discharged to a surface water sewer via attenuation storage tanks, flow control devices, permeable paving areas and oil/girt interceptors. These measures will ensure that surface water quantity and quality will be maintained at a 'greenfield' standard. The attenuated water will eventually discharge into the River Liffey via the Deerpark Stream.
- 7.10.4. Foul and surface water will be treated/ disposed of, by different systems. Foul drainage will be treated at the EP licenced public wastewater plant at Blessington, which discharges to the River Liffey. A number of issues with this plant have been identified including the plant not been designed for nitrate removal. Monitoring of the River Liffey water quality has not found any 'observable impact' on water quality or on the Water Framework Directive (WFD) status. An upgrade to this plant has been approved by An Bord Pleanála. Freshwater supply for the development will be from the public system which originates in the Poulaphouca Reservoir. The operational phase of development will not give rise to air emissions, though dust and noise can be expected during the construction phase.
- 7.10.5. The AA Screening report 'concluded that the possibility of significant effect on any European Sites arising from the proposed development, whether considered alone or in combination with the effects of other plans or projects, can be excluded beyond a reasonable scientific doubt'.
- 7.10.6. The proposed development is located within an urban area, on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

Specific mitigation measures are not required to ensure that the development does not impact on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Wicklow County Development Plan 2016 – 2022 and the Blessington Local Area Plan 2013 - 2019 and the zoning of the site for a mix of town centre and proposed residential purposes, to the location of the site in an established urban area in Blessington town centre and to the nature, form, scale, density and design of the proposed development, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 23 rd of February 2020, as amended by the further plans and particulars submitted on the 31 st of July 2020 and further modified by clarification of further information received on the 15 th of September 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>This permission is for 77 no. residential units in the form of 29 no. houses and 48 no. apartments, and for a 120-bed nursing home.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures, and specifications. Any terrace/ balcony railings shall be painted/ coated metal and shall not consist of unpainted galvanised metal railings.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Details of all signage on the exterior of the Nursing Home shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>a) No development shall commence on site until written agreement is received from the Planning Authority and Road Authority confirming that the construction of the northern section of the Blessington Inner Relief Road, from the existing northern roundabout on the Blessington Inner Relief Road to the N81 at Santryhill, has commenced.</p> <p>b) No occupation of any dwelling shall commence until written agreement is received from the Planning Authority and Road Authority confirming that the northern section of the Blessington Inner Relief Road, from the existing northern roundabout on the Blessington Inner Relief Road to the N81 at Santryhill, has been fully constructed.</p> <p>The above to be undertaken in full unless otherwise agreed in writing with the Planning Authority.</p>

	<p>Reason: To ensure that the road network serving the proposed development has been upgraded to cater for the traffic generated by the proposed development and in the interests of traffic safety.</p>
6.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junctions with the public road, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared, and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions and/ or additions shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of pedestrian safety.</p>
8.	<p>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. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>All of the car parking for the apartment residents and a minimum of 10% of all visitor and nursing home 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</p>

	<p>accordance with the above noted requirements, the developer shall submit such proposals for the written agreement of the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of Electric Vehicles</p>
10.	<p>Proposals for a development name, unit 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 apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
11.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p>

	<p>Reason: In the interest of residential and visual amenity.</p>
14.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
15.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the Planning Authority, prior to commencement of development.</p> <p>This scheme shall include the following:-</p> <ul style="list-style-type: none"> a) details of all proposed hard surface finishes, including samples of proposed paving slabs/ materials for footpaths, kerbing and road surfaces within the development; b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; c) details of proposed play equipment, street furniture, including bollards, lighting fixtures and seating; d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
16.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with</p>

	<p>the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p>Reason: In the interest of amenity.</p>
17.	<p>a) All mitigation measures outlined in the Ecological Impact Statement prepared by Openfield Ecological Services shall be implemented in full.</p> <p>b) Prior to the commencement of development, the developer shall submit to the Planning Authority a letter from a qualified ecologist, that they are satisfied that the final design of the external illumination proposed for the development, will be to the required specification recommended in the Ecological Impact Statement.</p> <p>Reason: To address any potential impacts on Biodiversity and to mitigate the potential impact of increased nocturnal illumination at the proposed development on bats, which are afforded a regime of special protection under the European Habitats Directive.</p>
18.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p>
19.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,</p> <p>(c) Prepare a detailed management plan for the continued preservation, protection, and presentation of Recorded Monument W1005-019 barrow</p>

	<p>shall be prepared by the archaeologist. This plan shall include details of proposed temporary hoarding, landscaping, access infrastructure, services, information signage and any other groundworks in the vicinity of the recorded monument both during and following the completion of development works and shall include an archaeological impact statement and mitigation measures to ensure the continued preservation of this Recorded Monument. A copy of the 'Monument Management Plan' shall be submitted to the Planning Authority and the Department of Culture, Heritage & the Gaeltacht for written agreement in advance of any site preparation and/or construction works in the vicinity of the Recorded Monument and the implementation of all agreed measures shall be supervised by an archaeologist.</p> <p>(d) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
21.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed</p>

	<p>in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
22.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
23.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
24.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(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</p>

	<p>authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
25.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
26.	<p>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.</p> <p>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.</p>
27.	<p>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</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>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.</p> <p>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.</p>

Paul O'Brien
 Planning Inspector

14th December 2021