



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-308676-20**

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Strategic Housing Development	219 no. residential units (135 no. houses, 84 no. apartments), childcare facility and associated site works.
Location	Lands at Kilgarron Hill, Townland of Parknasilloge, Enniskerry, Co. Wicklow.
Planning Authority	Wicklow County Council
Prospective Applicant	Capami Limited
Date of Consultation Meeting	27 th January 2021
Date of Site Inspection	26 th January 2021
Inspector	Ronan O'Connor

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

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

of houses on both sides of the Glencree Road, some of which do have direct access onto that road. There is a pronounced bend on the Glencree Road on the site frontage just before that cluster which restricts visibility and acts to slow traffic.

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

3.0 Proposed Strategic Housing Development

- 3.1. The development is as follows:

- 219 no. residential units consisting of 19 no. 1-bed units, 42 no. 2-bed units, 108 no. 3-bed units, 48 no. 4-bed units and 2 no. 5-bed units. The units comprise of a mix of own door apartments, terraced housing, semidetached and detached housing and vary in heights from one to three storeys;
- Childcare facility of 373.4 sq.m.;
- Two main vehicular accesses off the Glencree Road;
- Repair, replacement and provision of new drainage and pedestrian infrastructure including lighting towards the town centre on Kilgarron Hill along the Glencree Road;
- All associated site development and infrastructural works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking, utilities, internal roads, footpaths and shared surfaces, playground, site clearance and temporary construction development.
- The units comprise of a mix of own door apartments, terraced housing, semi-detached and detached housing and vary in heights from one to three storeys.
- The proposed mix is as follows: 16 no. 1 bedroom own door apartments; 34 no. 2 bedroom own-door apartments; 34 no. 3 bedroom own-door duplexes; 3 no. 1 bedroom houses; 8 no. 2 bedroom houses; 75 no. 3-bedroom houses; 45 no. 4-bedroom houses; 3 no. 5-bedroom houses

Unit Type	No. of Units	%
1 bed	19	9
2 bed	42	19
3 bed	108	49
4 bed	48	22
4+ bed	2	1
Total	219	100

4.0 National and Local Planning Policy

4.1 National and Regional Policy

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

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

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

4.1.2. **Section 28 Ministerial Guidelines**

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

- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2020);
- 'Design Manual for Urban Roads and Streets' (2013)/ DMURS Interim Advice Note – Covid 19 (2020);
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009);
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices');
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001).

Other relevant national guidelines include:

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

4.2. **Regional Policy**

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

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

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

Relevant objectives within the RSES-EMRA include:

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

4.3. The Wicklow County Development Plan 2016-2022

The Core Strategy designates Enniskerry as a small growth town with a projected population of 2,302 persons in 2022, with an increase in its housing stock from 642 in 2011 to 887 in 2022. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal District Plan 2018-2024. The view north from the Glencree Road is protected prospect 5 in the development plan – Glencree Road towards Carrigollogan.

4.4. Bray Municipal District Local Area Plan 2018-2024

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

5.0 Planning History

307211 – Refuse SHD Application for 219 no. residential units, creche and associated site works for 1 no. reason as follows:

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

304037 – Refuse SHD Application for 218 no. residential units, creche and associated site works for 1 no. reason as follows:

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

In particular, while the Natura Impact Statement states that the catchment zone or groundwater catchment zone for the petrifying springs within Knocksink Wood Special Area of Conservation lies outside the refined Action Area Plan (AA1) zone, as detailed in figure 2 of the Natura Impact Statement, it is considered that the

submitted documentation does not provide scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based has not been supplied, and a conceptual hydrogeological model of the site of the proposed development, and its connection to the European Site, has not been provided. In the absence of mitigation, it is accepted in the Natura Impact Statement that the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the qualifying interest habitats of Knocksink Wood Special Area of Conservation (which have a high sensitivity to changes in both ground and surface water levels). Without sufficient information to inform the design and management of surface water flows and infiltration, the Board cannot be satisfied that the proposed mitigation measures would remove the potential for impact on petrifying springs with tufa formations, which is a qualifying interest habitat of this European Site.

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

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. A section 247 pre-application consultation took place with Wicklow County Council on 7th October 2020 and details of same are set out in Section 2.2 of the Planning Authority's submission on this pre-application.

7.0 Irish Water Submission

- 7.1. Irish Water: - A confirmation of Feasibility for 185 units has been issued to the applicant. It was identified that this is a standard connection requiring no treatment plant upgrades for water or wastewater/Due to the increase in the number of units, to a total of 219, it is envisaged that local water network upgrades may be required to cater for this development/Standard conditions are recommended.

8.0 Forming of the Opinion

8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.2. Documentation Submitted

8.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017 and I have had regard to same.

8.3. Planning Authority Submission

8.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Wicklow County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.

8.3.2. Wicklow County Council has also submitted a report on this pre-application submission which raises the following matters:

Action Area

- Action Area 2 Parknasilloge was agreed by Wicklow County Council on 27 March 2019.
- Purpose of the action area plan process is to ensure that the specific objectives for the action area, as set out in the Local Area Plan, are achieved. Objectives relate to land use, the delivery of schools and car park.
- Proposed scheme does not take cognisance of this approved Action Area Plan/219 units is in excess of that permitted/Phasing plan fails to demonstrate that the proposed residential development is to be linked to the provision of physical and social infrastructure and employment/does not comply with the controls specified in the approved action area plan.

Core Strategy

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

Zoning Objectives

- There are three zoning objectives set out in the Bray MDP as follows: R20 New Residential, E1 Employment and CE Community Educational.
- The boundaries of these land use zonings are indicative and to be refined by the Area Plan process.
- The proposal to provide entirely residential development on the lands outlined in red by the applicant is acceptable in principle – this is subject to compliance with the requirements specified in the approval document.
- The proposed scheme fails to meet the requirements of the Action Area Plan and therefore the development of these lands as proposed would be contrary to the zoning objectives of the Bray MDP.

Intensity of Development

- The proposed scheme provides c9,100 sq. m. of development floor area above what is permitted on site, this equates to c73 no. units in excess of that allowable.
- Density of the proposed development far exceeds the maximum permitted density on these lands and therefore the proposed development would materially contravene the zoning objectives for the area.
- The density of development would be out of character with the established pattern and character of development in Enniskerry.

Phasing

- The proposed phasing fails to accord with that approved in the Area Plan and will not provide the physical and social infrastructure necessary.
- Would be contrary to the objectives of the Bray Municipal District Plan.

Layout/Design/Visual Amenity

- Layout is generally acceptable.
- However, the residential density is out of keeping with the established character of the development.
- New development should complement the character of the existing settlement and its surrounding area
- Omission of brick is considered an appropriate modification from previously proposed SHD schemes.
- Three storey development along the public road is out of character with the area
- Listed views will be impacted upon/may be an unavoidable consequence of the development of these lands as envisaged in the LAP

Mix

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

Childcare

- Minor technical amendments are requested.

Open Space

- Generally acceptable/public open spaces should be designed to ensure usability in terms of gradient, accessibility etc/private open space to the housing units should be to the required standard/cross sections required/adequate private and communal open space should be provided to the apartments and should be appropriately designed.

Infrastructure, Roads and Pedestrian Facilities

- Technical amendments and additional details are required by the planning authority (see summary of internal reports below).
- There is a shortfall in car parking for the residential component of the development, 375 spaces proposed, 389 required. Considered that the proposed development will be heavily car dependant, minimum development plan standards should apply/accessible parking and ev charging points should be provided

Public Lighting –

- Detailed proposals should submitted.

Surface Water

Proposals acceptable in principle.

Part V

- Subject to agreement.

Conclusion

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

Interdepartmental Reports

Transportation, Water & Emergency Services

- Raised pedestrian crossing should be relocated closer to the GAA club and shops in Kilgarron Park/Pedestrian access points should be provided from all streets abutting the L1010/Uncontrolled access points should be included on Streets 2 and 3/Upgrade works to the pedestrian network on the L1010 should be undertaken with the agreement of the planning authority.
- Additional cycle parking facilities required.
- Parking should be included in the taking-in-charge area.
- Internal roads should be of adequate width/turning areas provided where appropriate/planters provided on the shared surface roadways/connections to future development lands should be constructed in full to the site boundaries.

Engineer's Report

- Existing road provides a poor connection to village/severe gradient/deficient footpath/no cycle facilities/inadequate drainage/lighting.
- Proposed upgrades fails to identify inadequate width of existing footpath on L1011.
- Special contribution required to provide adequate standard footpath/public lighting upgrade.
- Proposal for an off-road segregated cycle and pedestrian route from the site though the land in the applicant's control to a suitable point nearer the village centre should be assessed.
- Exclusive zone for vulnerable road users should be provided on streets 7, 8, 10 and 11 and at the end of street 5.
- Direct pedestrian access onto the L1011 should be prevented in order to mitigate against the risk of parking along the road edge.
- Adequate sight distances should be provided for.
- Stormtech/tanks that allow infiltration shall be preceded by petrol interceptors and sump/catchpit manholes/recommended uncontaminated surface water from roofs and green areas to infiltrate to ground and pipe the remaining surface water from the public road and driveways directly to a watercourse.

- Other conditions recommended.

Water & Environmental Services

- No issues identified.

8.3.3. I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.4. Consultation Meeting

8.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 27th January 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Previous reason for refusal (ABP Ref 307211)
2. AOB

8.4.2. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 308676-20' which is on file.

8.4.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.5. Conclusion

8.5.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.5.2. I have examined all of the submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

- 8.5.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.5.4. I would also recommend that the prospective information applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request

- (i) constitute a reasonable basis for an application under section 4 of the Act, or
- (ii) Require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following

specific information should be submitted with any application for permission arising from this notification:

1. An updated Natura Impact Statement and Hydrological Assessment Report that satisfactorily addresses the reason for refusal by the Board in the previous planning application (ABP Ref 307211-20).
2. All supporting technical/environmental reports to be updated as required.
3. Justification, and where appropriate amendment, to demonstrate that road layouts and widths, as well as pedestrian and cycle infrastructure provision, comply with DMURS. To this end, matters raised in the PA submission (dated 03rd December 2020) and supporting internal reports should be addressed in any report/justification relating to the outlined transport issues.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Department of Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Inland Fisheries Ireland
6. National Transport Authority
7. Transport Infrastructure Ireland
8. The Wicklow County Childcare Committee.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Rónán O'Connor
Senior Planning Inspector

Date: 28th January 2021