



An
Bord
Pleanála

Inspector's Report ABP 309197-21.

Development	Predominately two-storey residential care building with attic plant room and storage area.
Location	Killickbawn, Kilpedder, Delgany, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	19/1338
Applicant	Stanford Woods Healthcare Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Margaret O'Neill & Others
Observers	None
Date of Site Inspection	29/5/21
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site located in the townland of Killickbawn, Kilppedder, Co. Wicklow. The site has a stated area of a 8.36 hectares, it is grassed and currently in agricultural use. The subject lands are undulating with the highest area which is above the 100m contour situated to the centre of the site. The lands are served by three agricultural entrances located to the north, north-west and south-west.
- 1.2. The N11 borders the site to the east. Junction 11 directly adjoins the site to the south. It provides access to the Greystones Southern Access Road to the east and to Kilppedder and Wicklow Grove to the west. The Kilcoole stream which rises in Kilppedder lies circa 50m to the south and downhill of the site.
- 1.3. There is existing one off housing located to the west of the site. The village of Willow Grove, part of the settlement of Kilppedder is situated to the west and north-west of the site. Kilppedder lies to the south.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a predominantly two storey residential car building with an attic plant room and storage area. The gross floor area will be 12067 sqm of which 5575 sqm is at ground level; 5377 sqm is at first floor and a further 1115 sqm is at attic floor level.
- 2.2. The accommodation will comprise ensuite bedrooms, day spaces, balconies at upper floor level and ancillary sanitary accommodation for residents with support services such as recreation / activity rooms, physiotherapy suite, treatment and occupational therapy rooms, Oratory, Daycare and hairdressing.
- 2.3. It will include a family run café (open to the public), administration offices, staff rest, dining, changing and training facilities, catering kitchens, laundry, plant room, maintenance workshop and electrical switch room, a substation and standby generator.
- 2.4. The site will be fully landscaped with provision of sensory gardens and walkways including gazebo features and mounded screen planting 1.2m above finished ground level. Employee, service and visitor car and covered cycle parking will be provided.

- 2.5. The existing site entrance from the L1043 will be improved and, with a driveway, provide the primary access. The existing access from the L5406 will be improved to provide a recreational and emergency gated access from / to Willowgrove.
- 2.6. The development will connect to the existing water supply infrastructure in the area. The development will connect to a proposed pumping station and rising main south of the site. This in turn will discharge foul effluent from the site at Killickbawn into the Greystones Delgany Kilcoole public district sewerage scheme.
- 2.7. At further information stage the proposed development was amended to included proposals for the provision of an on-site wastewater treatment and disposal system.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 17 no. conditions. Condition no. 8 specifies that the nursing home shall not be occupied until a certificate from a suitably qualified professional stating that the wastewater treatment and disposal system has been installed in accordance with the requirements of a Discharge Licence submitted to the Planning Authority. Condition no. 9 specifies that (a) once Irish Water have confirmed in writing a connection to the public four sewer is feasible the proposed development shall be connected to the public foul sewer within six months, at the time of such confirmation. (b) Upon connection to the public foul sewer the proposed wastewater treatment plant and disposal system shall be decommissioned and removed from the site and the grounds shall be suitably landscaped.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following;

1. (a) Confirm correct site area.
(b) Demonstrate on site layout plan - correct redline site boundary
2. Visual Impact Assessment submitted with application not considered sufficient.

- (i) Extend scope of visual impact assessment to include proposed access road.
 - (ii) Submit additional photomontages showing how the facility will fit within the context.
 - (iii) Submit detailed evaluation of the potential impact of the facility on the views from the N11.
 - (iv) Submit full details of all proposed mitigation measures which have been designed to ensure that this development can be adequately assimilated into the landscape at this location.
3. The Planning Authority is concerned that the proposed development, due to its location near the rear of a number of existing residential units has the potential to impact on the amenities of adjoining properties. Therefore, demonstrate that this development will not have a significant impact on the residential amenities and privacy of adjoining properties;
- (a) Provide a report to assess potential impacts.
 - (b) Provide a photographic survey which demonstrates the views from proposed balconies.
 - (c) Provide proposals for appropriate boundary treatment.
4. In relation to the proposed secondary entrance to the north west of the site, demonstrate that this entrance can and is to be up-graded to a sufficient standard to accommodate the traffic movements that would be generated by this development.
5. In relation to the proposed primary entrance to the south of the application site:
- (a) You are requested to demonstrate that the entrance to the development has been designed in accordance with the standards set out in the National Cycle Manual 4.9.2 "Side Road Joining street with Segregated Cycle Facility".
 - (b) You are requested to demonstrate via the submission of a report from a suitably qualified road engineer (with professional indemnity insurance)

and revised plans etc that adequate sightline distances are available or can be achieved at proposed primary entrance.

6. It would appear from the drawings submitted that the proposed development, in particular the construction of the proposed access roads and parking area to the front of the proposed nursing home would necessitate extensive ground works and may necessitate the provision of retaining walls/structures, details of which have not been submitted. Carry out a review of the proposed development to establish the full extent of the ground works necessary to facilitate this development and demonstrate the same on revised plans, cross sections etc.
7. Submit proposals to ensure the provision of adequate pedestrian linkage from the proposed development to existing services within the settlement.
8.
 - (a) Identify exact location of the 33" watermain on site and indicate same on a revised site layout plan.
 - (b) Carry out trial holes to confirm the depth of cover & surrounding ground conditions.
 - (c) Submit proposals to ensure the protection of the main during construction and the use of the building.
9. The proposed foul sewer system includes proposals for an on-site pumping station and associated rising main, which it is proposed would connect to an existing unused rising main underneath the N11 and associated Kilpedder Interchange. This existing rising main connects to a gravity sewer, which would ultimately connect via a pumping station to an existing unused rising main running along the Greystones Southern Access Road. This then connects to the Greystones WWTP via a gravity sewer. The second pumping station would be located on third party lands & may, when constructed remain private. Having regard to the foregoing, the Planning Authority considers that the proposed sewer connection would be unsustainable due to the reliance on potentially private infrastructure which would connect existing Irish Water mains to an Irish Water WWTP. Hence, this could result in multiple developments being reliant on a private pumping station controlled by one

entity/person. You are therefore requested to, liaise with Irish Water in relation to the design and operation of the foul sewer system and to submit written confirmation from Irish Water that they are willing to take-in charge the entire off-site foul sewer system, including the pumping station, such that in effect it is fully under the control of Irish Water.

You should also submit full details of the design of the foul network, which should cover the anticipated loading of the system and associated pipe sizes, etc, to avoid septicity of the sewage occurring of the proposed 100mm rising main to a 225mm rising main would work.

Report dated 18/12/2020: Following the submission of a response to the further information requested the report of the Planning Officer concluded that the applicants adequately addressed the issues raised, that the proposed development would accord with the objectives for this area set out in the development plan and any outstanding issues associated with the development can be addressed by way of condition and a grant of permission was recommended.

3.2.2. Other Technical Reports

Roads Department – No objection subject to conditions which relate to the following. Cycle parking to be as per CDP. Entrance to development to be as per National Cycle Manual 'Side Road joining Street with Segregated Cycle facility'. The proposed 'Emergency Access' should connect to the existing pedestrian network. Horizontal deflectors should be used in lieu of vertical deflectors.

Water and Environmental Services Report dated: 18/12/2020 – No objections subject to conditions.

Chief Fire Officer – No objection subject to conditions which relate to the following. Adequate firefighting water supply of 2,000 litres per minute through any single hydrant on the development. The provision of fire hydrants in accordance with Technical Guidance Document Part B and the Irish Water Code of Practice for Water Infrastructure and the requirements of BS 750: 1984.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – No observations to make.

Dublin City Council – DCC Water Services will need to have the exact location of the 33” watermain confirmed on site. After the location is confirmed appropriate measures to ensure protection of the main during construction are required.

Irish Water – (1) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. (2) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the water and waste water infrastructure will be subject to constraints of the Irish Water Capital Investment Programme. (3) All development shall be carried out in compliance with Irish Water Standard codes and practices. (4) From previous PCE feedback’s (CUST 16589) the applicant was required to install a new separate rising main across the N11 i.e. not using the existing 200mm duct as a sleeve/conduit. (5) Permission required to connect to the pumping station at Bromleys Business Park from the owner must be obtained before a connection offer is made. (6) Confirmation will be required of the capacity of the private pumping station.

Department of Culture, Heritage & the Gaeltacht (DAU) – It is requested that an Archaeological Impact Assessment be prepared to assess the potential impact if any on archaeological remains in the area where development is proposed to take place.

National Roads Office – The proposed development is generally confined to the north-east quadrant of the site and the site is significantly elevated above the N11. Therefore, it is unlikely that the N11/M11 would impact directly on the buildings proposed or the access route to the development. It is advised that the N11/M11 Scheme has the potential to impact on areas of the site particularly along the N11, northern and southern boundaries.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DAU) – It is recommended that an archaeological condition (detailed in the report) be attached to any grant of planning permission.

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received a number of submissions/observations in relation to the application. The main issues raised concern impacts upon residential amenity, traffic concerns, impacts on the local environment and impacts on public health.

4.0 **Planning History**

- None

5.0 **Policy Context**

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

- 5.1.1. Chapter 8 refers to Community Development
- 5.1.2. Objective - CD17: Is a site specific objective which refers to the subject site at Killickabawn, Kilpedder. It seeks to provide for new or extended residential care facilities for the elderly at the following locations as shown on maps 8.01-8.02:
- Ballinahinch Lower, Newtownmountkennedy (c. 8ha as shown on Map 8.01)
 - Killickabawn, Kilpedder (c. 6ha as shown on Map 8.02)
- 5.1.3. Section 8.3.2 refers to Health, Care and Development
- 5.1.4. Residential and Day Care Objectives include the following:
- 5.1.5. CD18: To facilitate the development and improvement of new and existing residential and day care facilities throughout the County.
- 5.1.6. 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

5.1.7. CD21: Clinically managed / supervised dwelling units, such as 'step down' (i.e. post acute care) accommodation or semi-independent housing provided as part of a medical facility, nursing home or other care related facility, will be considered strictly only on the following basis:

- The units are associated with an already developed and established medical facility, nursing home or other care related facility; the units are held in single ownership with the overall medical / nursing home / care facility; no provision is made for future sale or subdivision; and a strict management agreement is put into place limiting the use of such structures to those deemed in need of medical supervision or care related facility will be considered strictly only on the following basis;
- The number of such units on any such site shall be limited to 10% of the total number of hospital / nursing / care home bedrooms unless a strong case, supported by evidence, can be made for additional units;
- Such units shall be modest in scale and limited to single bedroom units only and independent facilities such as car parking and gardens shall not be provided to each unit (in order to ensure such units are not rendered suitable for standalone use as private dwellings).
- Facilities shall be so laid and designed to meet standards and obligations specified in Nursing Homes (Care and Welfare) Regulations, (1993) and the Building Regulations, in particular Part M.

5.1.8. Appendix 1 - Development and Design Standards Document

5.1.9. Density/Plot Ratio standards - Requirement that all planning applications provide a table of data showing site area, development area, building footprint, total building floor area and a calculation of plot ratio. Plot ratio standards for areas zoned Town Centre and at edge of town and greenfield sites included.

5.1.10. Table 7.1 Car Parking standards– Nursing Home - 0.5 spaces per bed.

5.1.11. Table 7.2 Bicycle parking standards - Nursing Home - 20% of employee no's.

5.2. Natural Heritage Designations

- 5.2.1. Glen of the Downs SAC (Site Code 000719) is situated 530m to the north.
- 5.2.2. Carriggower Bog SAC (Site Code 000716) is situated 3.5km to the west.
- 5.2.3. The Murrough Wetlands SAC (Site Code 000249) is located 3.88km to the east.
- 5.2.4. The Murrough SPA (Site Code 004186) is located 4.3km to the east.
- 5.2.5. Bray Head SAC (Site Code 000714) is located 4.42km to the north-east.
- 5.2.6. Wicklow Mountains SAC (Site Code 002122) is located 6.61km to the west.
- 5.2.7. Wicklow Mountains SPA (Site Code 004040) is located 6.61m to the west.
- 5.2.8. Ballyman Glen SAC (Site Code 000713) is located 9.01km to the north.
- 5.2.9. Knocksink Wood SAC (Site Code 000725) is located 9.01km to the north-west.
- 5.2.10. Rockabill to Dalkey Island SAC (Site Code 003000) is located 13.83km to the north-east.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by Margaret and Patricia O'Neill and Others.

- The appellants are appealing the grant of permission on the basis that the proposed development of the residential care facility would be premature.
- Condition no. 9(a) states, 'Once Irish water have confirmed in writing that a connection to the public foul sewer is feasible, the proposed development shall be connected to the public foul sewer within 6(six) months of such confirmation, at the developers own expense.'
- Condition no. 8 states, 'No occupation of the nursing home shall occur until a certificate from a suitably qualified professional (with professional indemnity insurance) stating that the Wastewater treatment and disposal system has been installed in accordance with the requirements of Discharge Licence has been submitted to the Planning Authority.'
- The appellants considered the grant of permission provides for the construction of a private wastewater treatment unit on a temporary basis. There is no written agreement in place between the applicant Stanford Woods Healthcare Ltd. and Irish Water that there will be a connection to the public foul sewer Greystones/Delgany/Kilcoole district operated by Irish Water.
- The appellants have concerns that this temporary arrangement will become permanent.
- Concern is expressed that there would be potential impacts if there were a malfunction of the wastewater treatment unit.
- No conditions have been attached to the permission to mitigate potential noise impact from the pumping station and other plant. The noise levels would be generated on a twenty four hour basis and would negatively impact the residential amenities of the area.

6.2. Applicant Response

A response to the third party appeal has been submitted by Frank O'Gallachoir Associates Ltd. on behalf the applicant Stanford Woods Healthcare Ltd. The issues raised are as follows;

- The grounds of appeal refer primarily to matters relating to the proposed temporary wastewater treatment and disposal system. The issues raised also

refer to noise, maintenance and operational issues concerning the proposed temporary wastewater treatment and disposal system and whether the system would become permanent.

- In relation to the foul drainage of the proposed development it is stated that there is no existing public sewer adjacent to the site. It is highlighted that permission was granted for a warehouse development on the Greystones Southern Access Road with a connection to the Greystones Delgany Kilcoole District Sewerage System via a rising main.
- The applicant proposes to connect this sewerage system via a connection to the south of the site.
- The first party understand that the proposed pumping station to which it is intended to connect to (permitted under Reg. Ref. 08/1542) has not been taken in charge by Irish Water. It is therefore not part of the existing accessible public infrastructure.
- Until such time as it is feasible to connect to the Greystones Delgany Kilcoole District Sewerage System it is intended that the development would be served by a temporary wastewater treatment and disposal system to be constructed on site. Detail of these proposals have been submitted to Wicklow County Council and the description of the development has been revised and the public was notified of the submission of this significant further information.
- It is clear from the technical reports on file from Irish Water and Wicklow County Council that there are no objection in principle to the connection of the development to Greystones Delgany Kilcoole District Sewerage System as proposed by the applicant. The Observation to Wicklow County Council from Irish Water dated 22/1/2020 is highlighted.
- The appellants raised concern in relation to the operation of the wastewater treatment plant and they state that no conditions have been included regarding this. Condition no. 5 as attached to the grant of permission requires that a single management company be established for the maintenance and repair of all infrastructural services of the site. The applicant intends that such maintenance and repair will be done properly to the highest standards.

- In relation to the appellants concerns regarding potential water pollution. Condition no. 8 as attached to the grant of permission requires that before occupation of the nursing home that a certificate be provided that the wastewater treatment plant and discharge system has been installed in accordance with a Water Pollution Act Discharge Licence granted by the Sanitary Authority. The Discharge Licence will set out detailed conditions regarding the installation and operation of the wastewater treatment plant. Therefore, these matters raised by the appellants have been comprehensively dealt with as part of the consideration of the application.
- The appeal refers to the issue of noise. The backup generator produces 70dB a distance of 7m separation. It is highlighted that the generator only runs when power fails and for routine maintenance which would occur approximately once a month and for only 15 minutes. It is noted that the nearest neighbouring property is situated 71m from the proposed location of the generator. The noise levels generated by the backup generator and audible at the boundary would be 50dB. Proposed fencing and planting to surrounding the generator would reduce the sound level further.
- In relation to the air conditioning units they produces 54dB at 1m. The units are generally placed on the exterior walls close to day-space rooms. The closest day-space room to the nearest neighbour is situated 53m from it. The decibel levels heard from the air conditioning unit at the boundary is likely to be below 30dB.
- The proposed heating system comprises gas fired modular condensing boilers. As detailed in typical manufacturers plant information, the noise level expected at 1m at full load is 52dB. These units are all install within an internal boiler room and there is likely to be no sound heard by the neighbouring properties.
- The proposed development is a badly needed residential care home in North Wicklow. It will facilitate the step down care needs of County Wicklow residents who are discharged from St. Vincent's University Hospital. It will provide a much needed resource in the Wicklow area. It is located on lands zone by the Council for this purpose.

- The applicant request that the Board grant permission for this development.

6.3. Planning Authority Response

- None received

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Wastewater treatment
- Impact on residential amenity
- Appropriate Assessment

7.1. Wastewater treatment

7.1.1. It is contended in the appeal that the development would be premature pending a connection to the public foul sewer. The appellants considered the grant of permission provides for the construction of a private wastewater treatment unit on a temporary basis and they have concerns that the temporary arrangement will become permanent. They noted that there is no written agreement in place between the applicant Stanford Woods Healthcare Ltd. and Irish Water that there will be a connection to the public foul sewer Greystones/Delgany/Kilcoole district operated by Irish Water.

7.1.2. In relation to foul drainage, the scheme as originally proposed included proposals for an on-site pumping station and rising main, to connect to an existing unused rising main underneath the N11 and Kilpedder Interchange. The rising main connects to a gravity sewer, which then connects via a pumping station to an existing unused rising main running along the Greystones Southern Access Road. That rising main then connects to the Greystones WWTP via a gravity sewer. The Planning Authority in their assessment of the proposals noted that the second pumping station would be located on third party lands and may, when constructed remain private. The Planning

Authority considered that the sewer connection as proposed under the application would not be appropriate because it would rely on a third party providing infrastructure which would connect to Irish Water mains and to the WWTP operated by Irish Water.

- 7.1.3. Therefore, as part of the request for further information the Planning Authority sought that the applicant liaise with Irish Water regarding the design and operation of the foul sewer system and to submit written confirmation from Irish Water which stated that they are willing to take-in charge the entire off-site foul sewer system, including the pumping station, such that in effect it is fully under the control of Irish Water.
- 7.1.4. In response to the matter the applicant and their Consultant Engineers had numerous consultations with Irish Water and Wicklow County Council in relation to the foul sewerage connection proposals. The outcome of the consultations was that it was concluded that no agreed public sewer exists in the area and that the ownership of the existing sewage infrastructure remains in dispute. A consultation took place in relation to the matter on the 15th of July 2020 with Wicklow County Council. It was concluded that following discussion regarding foul drainage that discussions were at an impasse. Wicklow County Council advised the applicant that consideration would be given to a private wastewater treatment unit on site, subject to demonstration that it is of suitable design and that the soil characteristics are suitable for the disposal of treated effluent.
- 7.1.5. As part of the further information response a Site Assessment Report for the proposed nursing home was prepared by Dr. Eugene Bolton. The volume of wastewater which the development would generate per day would be 36.5m³/day. It was advised in the assessment that high level of treatment of the effluent would be required as discharged to ground is proposed. It is proposed to use a sequencing Batch Reactor technology to ensure a reliable level of secondary treatment. This treatment will remove nitrogen and phosphate. The treated effluent will be further treated by polishing in a sand filter before discharge. The site tests carried out indicate that subsoil in the area of the proposed percolation is suitable for the discharge of treated wastewater. The location of the proposed on-site wastewater treatment and disposal system is proposed to the south of the nursing home as indicated on the Drawing titled – Proposed Drainage Layout, submitted to the Council on the 10/11/2020 and the Site Layout Plan, submitted to the Council on the

10/11/2020. I note the report of the Water and Environmental Services Section of the Council dated 18/12/2020 which recommends a grant of permission subject to a number of conditions including that the applicant shall obtain a discharge licence under the Water Pollution Act.

- 7.1.6. The first party in response to the appeal noted the contents of the technical reports on file from Irish Water and Wicklow County Council which stated that there are no objections in principle to the connection of the development to Greystones Delgany Kilcoole District Sewerage System as proposed by the applicant. In this regard the first party highlighted the Observation to Wicklow County Council from Irish Water dated 22/1/2020 which stated that there is no objection to the proposed development.
- 7.1.7. In response to the appellants concerns regarding the operation of the proposed wastewater treatment plant, the first party noted that the Planning Authority attached condition no. 5 which required that a single management company be established for the maintenance and repair of all infrastructural services of the site. Should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition to ensure that the proposed wastewater treatment plant is properly operated and maintained.
- 7.1.8. Regarding the appellants concerns which refer to potential water pollution the first party in their response noted that the Planning Authority attached a condition which required that the before occupation of the nursing home that a certificate be provided that the wastewater treatment plant and discharge system has been installed in accordance with a Water Pollution Act Discharge Licence granted by the Sanitary Authority. I am satisfied that should the Board decide to grant permission that the attachment of a similarly worded condition would fully address the matter of potential water pollution.
- 7.1.9. The subject site Killickabawn, Kilpedder has a specific objective (Objective - CD17) which seeks to provide for new or extended residential care facilities for the elderly. Therefore, the site is specifically zoned to provide the proposed development of a residential care facility. While at present the connection to the public foul sewer is not available, the Planning Authority were satisfied that the proposed development which they considered necessary and in accordance with the zoning could be facilitated

with the construction of a temporary wastewater treatment and disposal system. In their grant of permission, the Planning Authority included a condition which specified that once Irish Water have confirmed in writing that a connection to the public foul sewer is feasible, the development shall be connected to the public foul sewer within six months of such confirmation and then upon connection to the public foul sewer that the wastewater treatment and disposal system shall be decommissioned and removed from site. I consider this condition satisfactorily addresses the matter in relation to the temporary nature of the proposed wastewater treatment and disposal system. Accordingly, should the Board decide to grant permission I would recommend the attachment of a similarly worded condition to ensure that once it is feasible to connect to the Greystones Delgany Kilcoole District Sewerage System that the connection will be carried out and that the temporary wastewater treatment and disposal system will be decommissioned when the connection is completed.

- 7.1.10. Until such time as connection to the public foul sewer is available, I consider that it is appropriate to grant permission for the proposed residential care facility with the temporary wastewater treatment and disposal system because the residential care facility is a necessary health care facility and it is also an objective of the Development Plan to provide it under Objective - CD17.

7.2. Impact on residential amenity

- 7.2.1. The appeal refers to the issue of noise generated in relation to the pumping station and other plant. In response to the matter, it is detailed in the first party submission to the appeal that the proposed backup generator produces 70dB a distance of 7m separation. The first party note that the generator only operates when there is a power failure and for routine maintenance purposes which generally occur once a month and for a short period of 15 minutes. As detailed on Drawing No: PL.01A – Proposed Site Plan, the emergency generator and gear switch room are proposed in a separate block alongside the bin storage area adjacent to car parking and 15m to the north of the main building. The closest neighbouring property to the location of the proposed emergency generator is located 71m away. The first party confirm in their submission that the noise levels generated by the backup generator and audible at the boundary would be 50dB. Fencing and landscape planting are

proposed to northern site boundary adjacent to the generator and this will serve to reduce the sound level further.

- 7.2.2. It is detailed in the first party response that the standard air conditioning units produces 54dB at 1m and that the units are generally placed on the exterior walls close to day-space rooms. The day-space room which is located closest to a neighbouring residential property is circa 53m from it. It is confirmed in the first party response that the decibel levels which would be heard from the air conditioning unit at the boundary would be below 30dB. In relation to the proposed heating system to serve the residential care facility, it comprises gas fired modular condensing boilers. The first party response confirmed that as detailed in typical manufacturers plant information that the noise level expected at 1m at full load is 52dB. The units are all install within an internal boiler room and therefore there is likely to be no sound heard by the neighbouring properties from the gas fired boilers.
- 7.2.3. Accordingly, having regard to the separation distances provided between the closest residential properties, and the proposed development I am satisfied that it would not unduly impact upon the residential amenities of the neighbouring properties in terms noise.

7.3. **Appropriate Assessment**

Stage 1 Screening

- 7.3.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The applicants AA Screening report considered that the Glen of the Downs SAC, the Murrough Westlands SAC and the Murrough SPA are the only Natura 2000 areas that lie within the zone of influence of the proposed development as pathways to other areas do not exist. The following 10 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Glen of the Downs SAC	000719	0.53km
Carriggower Bog SAC	000716	3.51km

Murrough Wetlands SAC	002249	3.88km
Murrough SPA	004186	4.3km
Bray Head SAC	000714	4.42km
Wicklow Mountains SAC	002122	6.61km
Wicklow Mountains SPA	004040	6.61km
Ballyman Glen SAC	000713	9.01km
Knocksink Wood SAC	000725	9.01km
Rockabill to Dalkey Island SAC	003000	13.83km

7.3.2. I am satisfied that 7 no. of these sites can be screened out of any further assessment due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works, the absence of an aquatic connection between the European sites and the proposed development and to the nature and scale of the proposed development. Accordingly, I consider, due to the proximity of the proposed development site circa 0.53km to the Glen of the Downs SAC, circa 3.88km to the Murrough Wetlands SAC (002249) and circa 4.3km to the Murrough SPA (004186) that these are the only European sites that could potentially be affected by the proposed development.

7.3.3. The Glen of the Downs is a semi-natural oak wood situated within a glacial overflow channel. It is located on the N11 Dublin-Wexford road, circa 7km to the south of Bray, Co. Wicklow. The underlying rock is mostly quartzite and there are outcrops in a few places. The soil is a sandy loam, brown earth to brown podzolic, and is very dry over much of the site. Much of the site comprises Sessile Oak, which is particularly dominant on the mid to upper slopes. The site includes some areas of mixed woodland, in which Beech, Sycamore, Scots Pine and other non-native species occur. A narrow band of alluvium associated with a small stream occurs on the valley floor. At this location the woodland is dominated by Ash and Hazel.

- 7.3.4. The conservation objective for the SAC is to restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glen of the Downs SAC, which is defined by a list of attributes and targets.
- 7.3.5. The Murrough is a coastal wetland complex which stretches for approx. 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to approx. 1km. Habitats on the site include a complex fen system, salt marsh, tidal reed bed, freshwater reedswamp, wet grassland, wet woodland, mudflat, dry heath and dry grassland.
- 7.3.6. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -
- Annual vegetation of drift lines
 - Perennial vegetation of stony banks
 - Atlantic salt meadows
 - Mediterranean salt meadows
 - Calcareous fens
 - Alkaline fens
- 7.3.7. The Murrough SPA comprises a coastal wetland complex that stretches for 13 km from Kilcoole to Wicklow town and extends inland for up to 1 km. It is an important site for wintering wildfowl and supports internationally important as well as nationally important species. It is also important for the populations of rare invertebrate and plant species. Part of the Murrough SPA is a Wildfowl Sanctuary.
- 7.3.8. The conservation objective for the SPA is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -
- Red-throated Diver
 - Greylag Goose
 - Light-bellied Brent Goose
 - Wigeon
 - Teal

- Black-headed Gull
- Herring Gull
- Little Tern
- Wetland and Waterbirds

- 7.3.9. In relation to the Glen of the Downs SAC there will be no habitat loss or fragmentation as a result of the proposed development. There is no direct hydrological connection between the Glen of the Downs SAC and the proposed development.
- 7.3.10. The Murrough Wetlands SAC and the Murrough SPA overlap. The site is located approx. 3.88km west of the Murrough Wetlands SAC (002249) and approx. 4.3km of the Murrough SPA (004186). The Kilcoole Stream runs to the south of the site on the opposite side of the L1043, this provides a potential hydrological pathway to the Murrough Wetlands SAC and Murrough SPA.
- 7.3.11. The applicants Screening Report notes in relation to the matter of potential adverse effects that due to the distance between the development and the European Sites and the nature of the development, that it is not considered that the development would have any direct impacts.
- 7.3.12. The proposed development as amended as part of the response to the further information issued by the Planning Authority, includes the provision of an on-site wastewater treatment and disposal system in accordance with EPA Standards. Having regard to the level of treatment proposed i.e. tertiary treatment and the separation distance provided between the wastewater treatment and disposal system and the European sites there is no potential for impacts to groundwater or hydrologically connected habitats within the European sites.
- 7.3.13. In relation to the matter of the potential indirect impacts to surface water, it is noted in the applicants Screening Report, that the proposed development includes proposals to discharge surface water generated on site to ground through soakaway areas to be designed and constructed in line with (BRE) Digest 365. It is noted that there is a lack of meaningful hydrological connectivity to any existing water courses and that there will be no direct discharges to the Kilcoole Stream which is separated from the development site by the local road the L1043.

- 7.3.14. In my view, having regard to the nature of the development, the separation distance between the development site and the European sites that any surface water run-off from the development would not be likely to have any significant effect on the Kilcoole Stream, or on any downstream habitats or species.
- 7.3.15. Regarding potential in combination impacts it is detailed in the applicants Screening Report that having regard to the low potential for any significant impact on the closest European sites that the cumulative impacts from the development with other existing and proposed projects is not likely to result in any significant effect upon the European sites.
- 7.3.16. Having regard to the site's location, the nature and scale of the proposed development and the separation distance between the site and the SAC's and the SPA and to the characteristics of the designated sites and the qualifying interests, it is considered that the proposed development would not be likely to have a significant effect on the designated sites.
- 7.3.17. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Glen of the Downs Special Area of Conservation, European Site Code No. 000719, the Murrough Wetlands Special Area of Conservation, European Site No. 002249, the Murrough Special Protection Area European Site No. 004186, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of Objective CD17 as set out in the Wicklow County Development Plan 2016-2022, which seeks to provide for new or extended residential care facilities for the elderly at Killckbawn, Killpedder (c.6ha as shown on

Map 8.02), and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, would not be prejudicial to public health and would constitute an appropriate form of development at this location. 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, as amended by the further plans and particulars submitted to the planning authority on the 10th day of November 2020, and on the 2nd day of December 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.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. No occupation of the nursing home shall occur until a certificate from a suitably qualified professional (with professional indemnity insurance) stating

that the Wastewater treatment and disposal system has been installed in accordance with the requirements of the Discharge Licence which has been submitted to the Planning Authority.

Reason: To ensure the provision of an adequate sewage disposal system, in the interests of public health and residential amenity.

4.

(a) Once Irish Water have confirmed in writing that a connection to a public foul sewer is feasible, the proposed development shall be connected to the public foul sewer within 6(six) months of such confirmation, at the developers own expense.

(b) Upon connection to the public foul sewer, the proposed waste water treatment and disposal system shall be decommissioned and removed from site and the grounds shall be suitably landscaped to match the surrounding area.

Reason: To ensure the provision of an adequate sewage disposal system, in interests of public health and proper planning and sustainable development.

5. A single management company shall be established with the entire responsibility for the maintenance and repair of all infrastructural services and facilities necessary for the development including access road, footpaths, public lighting, maintenance and repair of common areas, the temporary onsite waste water treatment plant and the management of car parking areas.

Reason: In the interest of proper planning and sustainable development, public health, safety and amenity.

6. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority:

(a) Final design details of the proposed entrance onto the L-1043 Kilpedder Interchange Link Road.

(b) Final design details of the proposed new pedestrian link footpath from the north-west pedestrian access to the local bus stop and nearby commercial premises. This link shall be constructed by the developer at their own expense.

(c) Proposals for traffic calming measures along the access driveway serving the development. On no account shall ramps or similar vertical traffic calming measures be installed notwithstanding any regulations exempting such development.

Reason: In the Interest traffic safety, pedestrian safety and proper planning and sustainable development.

7.

(a) The entrance to the north west of the site shall be restricted to pedestrian use only. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority proposals for physical measures to be put in place to prevent the use of this entrance by vehicles.

(b) Prior to the occupation of the nursing home, the pedestrian link from the north-west pedestrian access to the local bus stop and nearby commercial premises as agreed under condition 7(a) above shall be completed to the written satisfaction of the Roads Authority.

Reason: In the interest of traffic safety and pedestrian safety and the proper planning and sustainable development of the area.

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

Reason: In the interest of the visual amenities of the area.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

12. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the basement car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

13. A comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

14. 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. Public lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

Reason: In the interests of amenity and public safety.

15. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and

adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

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

Siobhan Carroll
Planning Inspector

17th of August 2021