



An  
Bord  
Pleanála

## Inspector's Report

ABP-309388

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### Development

Mixed use two storey town centre development comprising: 20 houses, 14 apartments, 6 commercial units, car parking, bins, Bicycle parking and lights, landscaped Town Park and Linear Park with civic spaces and new boundaries, associated works , attenuation tank and connection to services, new footpath and new entrance off Main Street and ancillary works

### Location

Lands in existing car park to rear of public House at Main Street Newcastle Co. Wicklow.

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

20298

### Applicant(s)

ABBD Development Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third v. Grant

### Appellant(s)

Peter Lang

### Observer(s)

Hugh O'Rourke

### Date of Site Inspection

31st August 2021

### Inspector

Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. Newcastle is a small picturesque 19<sup>th</sup> village settlement around 2km inland from the coast to the east and the N11 to the west. It's Main Street and core is situated on the R 761 approx. 4km south of Kilcoole and roughly equidistant at 10km from Greystones to the north and Rathnew to the south. Wicklow Town is about 12km to the south. The immediate environs of the site are in a rural low-lying area and buildings date mainly from the 19<sup>th</sup> century. The indigenous building character is a mix of single storey cottage and two storey houses and commercial premises with more recent small scale housing developments . There is also extensive ribbon type and clustered development along the approach roads which is more concentrated to the west in the direction of the original Norman settlement and in the direction of Newtownmountkennedy. The village has a range of commercial uses and community facilities.
- 1.2. The site is located on the western side of the Main Street partly to the rear of a public house where there is a large gravelled car park. A Church is located to the south of the site. The site substantially relates to a green field in addition to the car park. The site was originally 2.6hectares but has been reduced to 1.92ha. in a revised scheme . The net development area is even less as it includes the car park and linear park area.
- 1.3. Newcastle stream traverses and bounds the site to the north from where it flows east to the marshlands in the coastal area. There is a pedestrian bridge over the stream linking the public house premises and the carpark.
- 1.4. The road carriageway fronting the site is wide and there are traffic islands in the centre line. The village is served by the no.84 Dublin Bus route which goes through Greystones. The bus stop for this route is outside the Church. Bus Eireann also provides a service from Newtownmountkennedy.

## 2.0 Proposed Development

- 2.1. The proposed development seeks to construct a mixed-use, two and three storey development accessed off the Main Street in the village. The style is traditional 19<sup>th</sup>

townhouse type in terms of form, verticality of proportions, solid to void relationship, roof profile , window style and external materials.

2.2. The development as amended comprises: **20 houses** ( 11x3 bed, 9 x 4 bed), **14 apartments** (7 x 2 bed and 7 x 3 bed duplex) in a three storey block and **6 commercial units** (3 units with respective floor areas of 162 sq.m., 74sqm. and 43sq.m in the Town Parks two storey building and 3 units of 86sq.m., 86sq.m. and 95sq.m. in the mixed use three storey Primary Zone Building). This is in a reduced development area and footprint and varied layout/design which includes the reduction of the existing pub car park by 43% thereby allowing for a 10m wide linear park. ( A letter from the car park owner is included with application. ) Access is revised to the location of existing car park access with a new secondary car park access via the new junction/access arrangements. This is a variation of the initial proposed scheme comprising:

- A) **22** houses (1 x 3bed two storey detached- type A1, (2 x 3 bed two storey semi-detached- Type A2, 8 x 3bed two storey semi-detached Type A3, 6 x 4bed three storey semi-detached- Type B, 1x 4bed three storey detached -Type C1, 2x 4bed three storey semi-detached- Type C2, 2 x 4bed three storey detached - Type D
- B) **4** Apartments ( 2 x Block of 2 x one-bed -Type E building)
- C) **9** apartments ( 1 x 1 bed, 3 x2 bed and 5 x 3 bed ) over ground floor commercial units (2) in two storey building in Primary zone
- D) Townpark commercial building (2 x ground floor unit and 1 x first floor unit)
- E) Car parking, bin stores, bicycle parking, public lighting,
- F) Landscaped Town Park and Linear park
- G) Installation of storm water attenuation tank and connection to all public services
- H) Provision of new vehicular entrance off main street and associated sightlines and works.
- I) New footpath link to the Castle Inn car park from the new Town Park . Car parking (1033 sq.m.) for Town Park Building to be located where existing car parking of 1829sq.m. is located behind public house at Main Street, Newcastle. The soft landscaping is alongside the river where it partly replaces gravelled surface.

### 2.3. Supplementary documents submitted include:

- Design statement (submitted as FI to WCC on 5/10/20). The design has regard to statutory guidance and the need to provide for future growth and connectivity while respecting the town character and river environs.
- Statement of Compliance with DMURS (submitted as FI to WCC on 5/10/20). Roads revised from 6m to 5.5m in width.
- DMURS Street Design audit (submitted as CFI to WCC on 18/12/20)
- Consulting engineers report on roads and access submitted as FI to WCC on 5/10/20). Clarification of details regarding setting out of surfaces, autotrack layout for emergency/services, internal and access junction sightlines and absence of encouragement on third party lands together with external road improvements submitted on 18/12/20
- Landscape Rational (submitted as FI to WCC on 5/10/20). This plan shows how the scheme evolved from a more sprawled out low density scheme (appendix 1 and as proposed in the 20/3/20 version) to a more compact form while closer to the Main street and incorporating a linear park along the stream. It includes a road hierarchy and provides for pedestrian permeability and shared surfaces in the courtyard layout to the rear of the apartments.
- Appropriate Assessment screening report (submitted as FI to WCC on 5/10/20)
- Letter of consent from owner of The Castle Inn and car park on Main street to lodge planning application that includes works on his lands.
- Letter from Liam Kenna confirming agreement to upgrade sewage line from site to waste water treatment plant and installation of new 180HDPE pipe to current location of new mains pipe in Newcastle for water supply as per drawings.

### 2.4. Decision

2.4.1. To **grant permission subject to 26 conditions**. These are of a fairly standard nature and notably include:

- Condition 2 restricts occupancy for 8 units to those who comply with the settlement strategy for level 6 rural towns.

- Condition 3 requires further details for agreement regarding access arrangements to the R761.
- Conditions 4 and 5 refer to development contributions.
- Condition 7 requires a section 96 agreement.
- Conditions 8 and 9 require Stage 2 and 3 Road Safety Audits and incorporation into design.
- Condition 11 requires written agreement from Irish Water for provision of water services. WCC is not committed to the provision of such.
- Condition 12 relates to surface run-off water and compliance with GDSDS.
- Condition 16 requires agreement of final details of linear park/path.
- Condition 26 require archaeological monitoring and mitigation action and recording as appropriate.

## 2.5. Planning Authority Reports

- 2.5.1. **Planning Report (3/07/20) and report by F. Keogh S.E.(7/720):** while acknowledging all the issues raised in the third-party submissions, the initial proposal for a mixed used development in the village is considered acceptable in principle along the Main Street. The overall scale of housing development is considered to accord with the Core Strategy in terms of quantum of growth for the town for which no single application shall exceed the existing housing stock by 15% or exceed the growth requirement by 25% based on the projected requirement of 158 units in the current development plan. The internal space and extent of private open space and amenities are generally acceptable in terms of compliance with statutory guidance. The site is noted to be in Flood Risk C zone. However having regard to the spatial housing and land use objectives for Newcastle and in the context of the wider policy framework of national guidance on density and housing standards, the planning authority has concerns about the extensive footprint (extending into the secondary development area) and low density of the original development and also conflict with open space objectives for the area. Pursuant to its appraisal and issues arising , Further Information was requested in respect of:

- Density and quality of layout and potential for modifications together with a modified design rationale in accordance with the guidance in Sustainable Residential Development in Urban areas and the Urban Design Manual.
- Consideration of design details for the internal road layout which proposes 6m wide roads rather than 5-5.5m as recommended in DMURs, car parking location and design and exclusion from individual properties, lighting of open space and hammerhead details.
- Improvement to the R761 and Main Access (including potential for improving sightlines which should be a minimum of 49m) and a full junction analysis: In this regard it is pointed out that
  - the R761 fronting the site is excessively wide and has a narrow footpath and islands and that a realignment would improve traffic calming and safety for pedestrians in the village.
  - There are undesirable impacts of the proposed access location – its relocation to existing car park entrances would have benefits e.g. protection of Village Park and should be explored together with a pedestrian link to the primary zone building from the public footpath to the south.
- Linear Park: The proposed layout is considered to not realise the full potential of a linear riverbank park and is more influenced by the large car park – the location and scale of which are of concern. This matter should be addressed in any revisions.
- Wastewater: Part of the sewer network needs upgrading from 150mm diameter to 300 diameter. A second sewer pipe in the public road is not good practice . This needs addressing.
- A feasibility statement for the three storey development (Primary Zone building) There are concerns about elevation treatment of Landmark building – e.g. too much variety of windows.
- A phasing plan is required having regard to objectives in Volume 2 of the County Development Plan and the Primary and Secondary Development Areas.
- Details regarding deposit/Tech areas and also ancillary space for apartments particularly R8 which has no private open space.

- Having regard to the proximity to Murrough SPA and SAC there is insufficient information to carry Appropriate Assessment screening.

**2.5.2. Planning Report (2/11/20): Further information was received on 5<sup>th</sup> October 2020.**

2.5.3. This further information was deemed significant and revised notices were sought and submitted.

2.5.4. The proposal is noted for increasing the densification of Primary Development Lands primarily by increasing the height of the commercial building and increasing the plot ratio from 0.23 to 0.43, however there are no increase in dwelling units and this needs to be justified. The increase in height (subject to justification) and modifications to building layout and design are generally acceptable. The applicant is agreeable to occupancy condition – 25% houses for locals residents or workers in the county for 3 years.

2.5.5. Appropriate Assessment screening is accepted in that the development is not considered to have a significant effect on any Natura site.

2.5.6. The apartment car parking and parking surface design issues are adequately addressed. Lighting and detailed landscaping can be subject of condition in event of permission. However, with respect to DMURS auditing, hammerhead, entrance and internal junction sightlines, forward visibility and radii and horizontal deflections, issues remain outstanding. In respect of wastewater the issue of the pub's continued reliance on septic tank is raised by the area engineer. Clarification was sought on the above outstanding matters of detail.

**2.5.7. Planning Report (22/1/21) Clarification of further information was received on 18<sup>th</sup> December 2020:** A revised report which is stated to be in accordance with DMURS was submitted. The detailed road design/hammerhead issues have for the most part been adequately addressed in a revised engineering report (Pinnacle Consulting Engineers) with accompanying layout drawings. Drawings nos. P200802-PIN-XXX-DR-D-0004/ P200802-PIN-XXX-DR-D-0004-S1/ P200802-PIN-XXX-DR-D-0005-S1 show streets to be 5.5m wide narrowing to 4.8m.

In respect of the future development directly beside the pub, it is clarified that that area will be subject of a separate application and the pub will then be taken off the septic tank and this is considered acceptable by the Planning Authority.

A condition is required to ensure appropriate sightlines are provided for the proposed site access.

**Flooding:** It is acknowledged (by F.Keogh, Senior Engineer, Planning 22/1/21) that flooding has occurred along the Newcastle River both upstream and downstream of the site which is reflected in the OPW flood maps. It is noted that a 3<sup>rd</sup> party is located downstream of the site and the subject site experienced flooding as evidenced in photographs. SUDS measures are stated to be the normal means to counter loss of permeability in greenfield development and to control the rate of run-off. As the site is not in a flood zone its development would not displace flood water. It is noted that the proposal includes collection of surface water run-off and its disposal to a soak pit with an overflow to the attenuation tank which would control the rate of flow and offer on-site storage and this is considered to be a typical SUDs based design. Based on the photographs submitted by the 3<sup>rd</sup> party it would appear that stormwater flowed off the site and onto the R761 from which it entered the property. This situation would however be improved with the measures proposed and the run-off would be controlled and directed to specific discharge point into the Newcastle River thereby preventing direct run-off from the site to the R761. **It is therefore important that the drainage system is designed correctly with optimised run-off reduction and a condition to address this is important.**

#### 2.5.8. Other Technical Reports

##### Engineering

**Roads Section: (22/10/20)** The revised layout is greatly improved from initial submission. Notwithstanding further information it is noted that the a design audit has not been submitted that the design is not entirely compatible with DMURS in respect of design details such as corner radii, vertical deflection, home-zone design and entrance design, hammerhead design, pedestrian priority at entrance, pedestrian crossing and other minor amendments



**Roads section (8/1/21)** requires further modifications to pedestrian crossings and agreement regarding materials and improvements to R761

**Municipal District Engineer: (2/1/2021)** sightlines need to be provided on the R761 prior to commencement of development.

## 2.6. **Prescribed Bodies**

**Irish Water:** (12/5/20) No objections subject to conditions. This report is appended with a planning observation report in which it is confirmed that there is capacity in the plant for the development proposed. It is specifically confirmed that the development is not likely to cause overloading potentially impacting receiving waters.

The applicant also appended a letter dated 26<sup>th</sup> August 2019 confirming that in relation to waste water and water mains connection the development of 40 units can be facilitated subject to proportional costs of connection and acceptable design.

**Inland Fisheries:** There is limited organic capacity available at the Newcastle Plant which was non-compliant with ELVs in its license in 2019. The Newcastle Stream is salmonid with a significant Sea Trout and Brown Trout population. EPA monitoring in 2018 showed a deterioration in Q values from Q4 satisfactory (2015) to Q3-4 moderate status at a.5km site downstream of Newcastle Bridge. The EPA comment was ' the paucity of pollution sensitive macroinvertebrate species and dominance of pollution tolerant species indicated an unwelcome return to moderate ecological conditions on the Newcastle Stream in July 2018.' Q3-4 relates to degraded bio fauna resulting in limited spawning and associated recruitment of salmonids. Research carried out by the Central Fisheries Board demonstrated significantly lower juvenile salmon abundance at Q3 and Q3-4 sites compared to Q4. The detailed design for any bridging structures should be agreed with IFI and subject to a detailed method statement.

## 2.7. **Third Party Observations**

3.4.1 There were a number of submissions to the planning authority and these issues have been summarised in the planning report(s) and also raised in the grounds of appeal as summarised below.

### 3.0 Planning History

PA ref 17/1527 and 19/923 refer to permission as amended for 4 dwellings and upgrading of existing house and associated independent domestic secondary wastewater treatment systems and percolation area in lands to the north west. This involves the demolition of farm buildings.

### 4.0 National and Local Policy Context

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

- 4.1.1. Newcastle is classed as a Level 6 rural town and within the catchment of Greystones. The population of the town was 817 (2011 census) and is targeted to increase to 1065 by 2022. Housing stock was 313 at time of plan and housing unit growth requirement is projected at 158 for 2011-2022 (211 with headroom ).
- 4.1.2. Chapter 3 outlines the settlement strategy for rural towns such as Newcastle.
- No single application shall increase the existing housing stock in the settlement by more than 15% and the maximum size of development that will be considered will be 25% of the number of houses permissible over the life of the plan for that settlement.
  - Notwithstanding the designation of land for residential purposes, the Planning Authority shall monitor and implement the population targets as set out in the County Development Plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.
  - These towns are differentiated in this plan from 'small growth towns' having regard to their more rural character and the rural nature of their catchments. Such rural centres are considered to contain the potential to consolidate rural development needs and support the maintenance of essential rural social and community infrastructure such as schools, shops, public houses, post offices and local sporting organisations....These settlements are suited to accommodating a significant element of urban generated housing demand, with necessary controls in place to ensure that local demand can also be met. As set out in the Sustainable Rural Housing Guidelines (which are relevant to settlements under

1,500 in size, such as these towns), the NSS suggest that in stronger rural areas the small town and village structure has much potential in accommodating additional housing development catering for persons working in larger cities and towns, but desiring a rural lifestyle.

- In these settlements it is essential that growth is supported while also strictly controlled so that development is undertaken in a manner that is respectful to the character of these towns and the environmental sensitivities of the rural area. It is of utmost importance to ensure that the design of development is appropriate to the rural setting within which these towns are situated.

## **4.2. The Newcastle Settlement Plan**

4.2.1. This forms part of the Development Plan and provides the statutory local planning context. In this plan, challenges are identified such as wastewater treatment plant capacity for the area and development is anticipated in 3 phases, primary secondary and tertiary. The site is in both the primary development area and a small area of the reduced site is in secondary development areas as delineated in the plan maps.

4.2.2. The vision for the primary area is: To create a consolidated and vibrant mixed use settlement centre that is the focal point for the delivery of the retail, commercial, community and activity needs of the local population and its hinterland, and to promote this area for tourist uses and for residential use, with an animated and high quality streetscape, whilst ensuring the protection of the special character and heritage of this area. The objectives to achieve this vision are:

- To support existing uses and facilitate the development of new uses that will improve the vitality, connectivity and vibrancy of the primary lands.
- To promote the development of a range of retail outlets, including a variety of small scale convenience and comparison outlets in accordance with the County Retail Strategy and shops to provide for the tourist market (i.e. 'tourist retail').
- To promote these lands for the development of 'people' intensive employment generating developments, including retail, tertiary services, commercial developments, office, civic, institutional and tourist uses.

- To allow for the development of small scale light industrial or manufacturing developments at suitable locations that do not undermine the attractiveness of the main street or traditional town centre.
- All shopfronts shall be of traditional design with strict adherence to the use of traditional materials.
- To encourage residential development that contributes to the vitality of the primary area and provide for passive / night-time supervision of the primary area, although loss of active commercial or retail floorspace to residential use will be discouraged.
- To promote the use of upper floors for 'Living over the Shop' and office accommodation.
- To allow residential development at a suitable density, and not to provide residential density limits, but to assess proposals on the basis of qualitative standards such as layout, design, amenity and impacts on adjacent properties, transportation infrastructure and environmental quality.

4.2.3. The vision for the secondary zone is To provide for the sustainable development of a mix of uses including residential, employment, community and recreational uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement. The objective are:

- Allow for the limited extension or 'spill-over' of the primary lands onto the secondary lands which immediately adjoin the boundary of the primary lands. New development of this type should be compatible with or reinforce the function of the primary lands and shall be visually and physically linked with the primary core. No development will be permitted that prejudices the viability and function of the primary lands.
- Retail developments will generally not be permitted on these lands; however consideration will be given to the improvement / expansion of existing retail facilities or small scale retail facilities ancillary to tourist facilities.
- In existing residential areas, it shall be an objective of the Council to protect existing residential amenity and to provide for infill residential development at a density and design that reflects the established character of the area in which it is located.

- Allow for new residential developments, including a mix of residential options within an attractive and accessible setting, at appropriate locations which have safe access to the public road network, which have pedestrian links to the primary lands, and which are served by appropriate water and sewerage infrastructure, and which, if possible are in proximity to community and public services.
- A full range of unit sizes, including smaller 2 and 3 bedroomed units shall be provided in all new housing developments (i.e. developments exceeding 4 units). Generally, no more than 50% of the units in any new development shall exceed 3 bedrooms or 120sqm in size.
- Promote densities in the order of 15 dwelling units per hectare. A higher or lower density may be considered appropriate, having regard to the context of the site and the prevailing density in the vicinity of the site.
- Protect and enhance existing employment areas to reach their full employment potential.
- Promote these lands for employment generating developments including 'product' intensive lower order industrial developments, small scale enterprise units, tourist developments, general business uses and home based economic activity.
- Protect and allow for the improvement of public and private open space and recreational facilities.
- Allow for the development of new and improved community services, for health, welfare, community, education, civic and institutional uses including schools, childcare, nursing homes, community buildings, churches etc. in close proximity to existing and planned residential communities as well as other ancillary services such as public services and recycling facilities.

4.2.4. The site is part of lands subject to objective NC1 where the following is required to be provided:

A linear landscaped park along the full length of the Newcastle River from the R761 to the L5050 as well as a 'town park' or 'village green' across the road front of the R761. The town park / village green shall have a depth of not less than 25m from

the regional road (generally matching the line of the rear wall of the Oratory), while the width and layout of the riverine linear park shall be determined at the application stage having regard to the requirement to

- protect the river from adverse environmental impacts during both the construction and operational phases of the development having regard to its hydrological links to the Murrough Wetlands SAC / SPA,
- to maintain a suitable undeveloped buffer along the river in the interest of flood risk management and protection of local flora and fauna (not less than 10m) and (c) the requirement to provide for an area of land suitable for the creation of walks / paths etc.
- No more than 50% of the total lands identified in the objective boundary shall be developed prior to the provision of these open spaces.
- Pedestrian and cycle links from the R761 (in the Primary Development lands) to the L5050 along the linear park.
- Protection of established trees in the grounds of Oaklawn House and along the Newcastle River.
- Reserve accesses to the lands to the rear of the secondary development lands for future development.

4.2.5. Objectives NC2-4 includes provision for a range of other facilities for the area .

4.2.6. Part of the west end of the site is an Area of Archaeological Potential or Significance and the monument record no.13-33 is shown in this area.

4.2.7. The river traversing the site is classed as Flood Zone B where there is a moderate probability of flooding.

4.2.8. The wider objective for the area include:

- Improve and provide roads, footpaths and cycleways where required and at the following locations:
  - the realignment of the junction of Sea Road/R761;
  - at the junction of the L5050 and the R761 and along the L5050 between the town centre and St. Francis School;
  - along the of the R761 from the L5050 to the north of the town;

- along the L5550 (Sea Road) from Hunters Leap/the boat repair yard to the R761;
- along Leamore Road from the town centre to the plan boundary.
- To facilitate the provision of pedestrian and cycling linkages within and between existing and new housing/mixed use development throughout the settlement.
- Existing mature trees and boundaries throughout the settlement shall be retained where considered appropriate by the Planning Authority and integrated appropriately into any new development proposal.
- Development proposals on secondary and tertiary lands that front onto a public road shall provide a green buffer area between the road edge and any boundary / planting of at least 6m deep along the public road.

4.2.9. **Waste Water Treatment:** Newcastle is currently served by a Waste Water Treatment Plant located on Sea Road. The current capacity of the treatment plant is 1,000 population equivalent (PE) and does not have adequate capacity to serve new development. Wastewater infrastructure will therefore require improvement to meet the growth targets for Newcastle.

### 4.3. **Regional Planning Guidelines for the Greater Dublin Area 2010-2022**

4.3.1. Within both the hinterland area and the rural part of the metropolitan area are a large number of villages set within a rural landscape. These villages, with a population of up to 1,000 people, serve smaller rural catchment areas and provide local services, with some smaller scale rural enterprises in a number of such villages. Such villages need levels of growth to be managed so that they cater for local need and do not expand rapidly, putting pressure on services and the environment and creating the potential for higher levels of commuting. For the GDA there are two sub types of villages- commuter villages and key villages and Development or Local Plans should evaluate and recognise the type of villages contained within a particular area. Commuter villages tend to be located close to Dublin or close to major routes to the City or other major growth towns. The nature of development to date reflects their status and many experience the pressures of sudden growth. The future growth of these villages should be curtailed or safeguarded so that they do not act as catalyst to facilitate continuing expansion of unsustainable growth patterns.

- 4.3.2. SP RP1 To protect and support rural villages and countryside through careful management of physical and environmental resources and appropriate sustainable development; recognising and responding through appropriate Development Plan policies to the strong urban driven demand for resources in rural areas of the GDA, and also the importance of protecting and encouraging the necessary social infrastructure needed to sustain rural communities.
- 4.3.3. SR3 housing in the hinterland should be directed towards Growth Town weighted to large growth towns and particularly those with rail based public transport.
- 4.3.4. SR4 Towns and lands zoned outside of key priority locations shall be managed through phasing policies in Local/ Town/County Development Plans to ensure that limited amounts over a longer time period are developed to allow for natural increase and local needs, without undermining the settlement strategy of the RPGs and to ensure that focused growth in designated growth towns can be achieved during the life of the County Development Plan.
- 4.3.5. SR5 The expansion and growth of towns in the GDA is predicated on the delivery of suitable and necessary infrastructure. Local Area and Developments Plans need to take into account the current and future infrastructure needs of zoned lands and ensure that future development is only permitted where necessary water services have been provided to avoid causing a risk to the environment and is in accordance with existing and future discharge licences for waste water facilities.
- 4.3.6. Wicklow strategy: The recommended examination of possible improvements to the Wicklow rail route by the RPGs will assist in supporting economic and housing activity in the key towns of Greystones, Wicklow and Arklow; as well as the smaller rail served towns of Rathdrum and Kilcoole, and support the continued delivery of a strong defined settlement pattern for the County.

#### 4.4. **National Planning Framework (2018)**

- 4.4.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in sustainable manners. To this end a range of National Policy Objectives set specific targets such as



- NPO 4 refers to attractive, well-designed liveable neighbourhoods;
- NPO 5 refers to sufficient scale and quality of urban development; and
- NPO 11 states that in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth
- NPO 27 refers to ensure the integration of safe and convenient alternatives to the car into the design of communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33 refers to the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.
- NPO 35 refers to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 4.5. **Statutory Guidance:**

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (including the associated ‘Urban Design Manual’) (2009). Regarding density for centrally located sites section 6.9 states:  
 ‘Within a given smaller town or village, there can be marked variations in development context which affect the density of development and external space standards needed to take account of those contexts. Because of the variety of contexts and the probability of mixed use developments, it is difficult to be prescriptive about the level of density recommended. However, within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate or for more mixed use schemes. There is also the potential for schemes of particularly high architectural and design quality to suggest densities higher than the range suggested above. S. 6.10 states: ‘The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective

use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets. While acknowledging the need for infill residential development it is also stated that 'The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.' **The density for edge of small town is considered appropriate in certain circumstances to be as low as 15-20 dwellings per hectare as long as it does not represent more than 20% of new planned housing stock.**

- Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020)
- Design Manual for Urban Roads and Streets (2013). The use of this document is mandatory. This provides detailed design criteria for street layout and movement. A phased use of auditing tools is required in reaching an optimal design. The DMURS Street Design Audit is primarily concerned with four major aspects of street design: Connectivity , Self-Regulating Street Environment , Pedestrian and Cycling Environment and Visual Quality.
- The DMURS Street Design Audits consists of a series of short tables that can be used to cross check a design against the principles, approaches and standards contained within DMURS.
- Urban Development and Building Height Guidelines 2018. SSPR 4 states: 'It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.'
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009).

#### 4.6. **Natural Heritage Designations**

- 4.6.1. The Murrough SPA (Site Code 004186) is 1km east of the site at its nearest point. The Newcastle River bounding the development site feeds into both the Murrough SPA and Morrough Wetlands SAC (Site Code 002249) is about 1.7km downstream and northeast of the site in the direction of the sea.

#### 4.7. **EIAR Screening**

- 4.7.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 4.7.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 4.7.3. It is proposed to construct a mixed-use scheme comprising 300 sqm. of commercial and no more than 40 residential units with landscaping. The development includes reducing a car park area and fronts village Main Street. It is, in part, a form of infill development and part greenfield. It substantially relates to a primary development area and is on serviced land. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 2.6 ha of which only 1.6ha is subject of development and is located in a small level 6 town where development requires phasing. The site area is therefore well below the applicable threshold of 10 ha. The introduction of a residential scheme will involve construction of two and three storey high buildings and associated works including an attenuation tank. The development area is not designated for the protection of the

landscape or natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below).

The proposed development has a feasible connection to a public water supply (being the Vartry Water Supply scheme which is at implementation/construction stage of upgrading works by Irish water and included in the current Project Ireland Capital Investment Programme) and the Newcastle wastewater treatment plant which is also subject of improvement works under the current Irish Water Investment Plan 2020-2024 . The submitted documentation includes an assessment of the capacity of engineering infrastructure, the road network servicing the development and waste management details. The proposed development is not of a scale that would warrant a full environmental impact report in addition to the information that has already been provided.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within the existing urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

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 is not necessary in this case (See Preliminary Examination EIAR Screening Form).

## 5.0 The Appeal

### 5.1. Grounds of Appeal

#### 5.1.1. Errors in foul water load from proposed development

- The submission to WCC by Hugh O'Rourke on behalf of the Newcastle Residents Association highlights the lack of capacity of the Sewage Treatment Plant as the underlying reason for absence of any significant development in the area.
- Based on Irish Waters' Settlements with Wastewater Discharge Authorisations - Wastewater Treatment Capacity, the plant for Newcastle has a nominal design p.e. of 1000 . The loading in 2019 was calculated to be 888 leaving head room for 112 p.e. The development is estimated to have a loading of 214 which exceeds this spare capacity by 11.2%.
- The submission for Inland Fisheries which states that the plant does not meet its emission requirements ELVs in 2019 indicates serious doubt as to the capacity of the plant to handle current loading.
- The route of the river into which the plant discharges is via a channel and lagoons before it reaches the sea. Contamination will therefore extend over a large area and for a long period of time.
- This issue has not been fully considered as a strategic planning issue.

#### 5.1.2. Lack of attention to flood risk in the area around the development.

- This is further to the submission to WCC showing evidence of flooding. The SUDs measures are not sufficient to address this matter as they often fail - particularly when most needed. The proposed routes is at a point in the Newcastle River where flooding has been the most severe.
- The approach to this has been piecemeal – a wider systemic approach is needed to address other bridges between the town centre and the sea.

#### 5.1.3. Desire to retain the rural character of the area.

- It is an out of scale development that will be detrimental to the community.

#### 5.1.4. General approach to evaluation of applications

- WCC appear under pressure to permit development of lands but at a density inappropriate to the character of the area.
- The absence of clear DMURS design audit should have resulted in a refusal of permission.

### 5.2. Applicant's Response (lodged 8<sup>th</sup> March 2021)

5.2.1. It is clarified that the proposal includes 40 units and not 48 as stated in appeal.

5.2.2. The layout and design have been audited by the consulting engineers and by reference to DMURS as set out in the further information and as considered by the planning authority.

5.2.3. Surface and storm water: The drainage system is primarily a SUDs system. An attenuation tank is provided as back up as a safety measure. The calculations are based on sizing to cater for the scale of development with provision for an additional capacity of 400000 litre storage. The overflow from the attenuation can only match current green field run-off rates which are based on IH124 calculations as required. The CFRAM flood maps show that this section of Newcastle is not within the flood area/zone and so no further investigation is required. The system caters for on-site drainage.

5.2.4. The letter from Irish Water in response to a connection application confirms sufficient capacity in the Newcastle Wasterwater Plant to cater for the proposal. The total design capacity is needed for 98.8 persons. This is based on 34 residential units equivalent to 91.8 persons and 6 commercial units equivalent to 7persons. This is based on Codes of Practice set out by Irish Water whereby each unit is equivalent to 2.7 persons – the appeal is noted to erroneously base its projections for need on 48 units and incorrect loading estimates.

5.2.5. The car park is authorised and not in the ownership of the applicant – the applicant has agreed to a reduced car park area in order to provide a linear park along the river.

### 5.3. Planning Authority Response

5.3.1. It is considered that the grounds of appeal raise no new issues and accordingly no further comments are made.

### 5.4. Observations

5.4.1. One observing party makes the following points in support of the ground appeal:

- 71% of survey residents (179) opposed development
- Fear of loss of rural character and rich village heritage that has been the product of hard work of the residents
- Residents feel disenfranchised by decision notwithstanding their contribution and engagement with the council in its the preparation of plans
- Opposed to increase in density
- Errors in foul water loading from the development
- Risk of flooding
- General approach in evaluation.
- The size and design in terms of height form and elevations would be incongruous in this prominent site with the visual amenities and character of the area
- The prominence of the rural landscape as viewed from the village is part of the character. 3 storey apartment will be overly dominant.
- The commercial units are likely to be vacant as is the case with existing premises and will give a soulless feel to the village.
- Road safety issues having regard to conflict with pedestrian and cyclist and intensification of roadway including the L5050 link road to the N11.
- As this is phase 1 there is a precedent for further intensification. It is premature pending upgrading of road safety measures along links to Newtownmoutnkennedy and Kilcoole.
- Insufficient open space and loss of cherished traditional village amenity: The development site is a field known as the Lawn Field and used for community rural events such as tractor rallies ploughing contests and horse and country fairs.
- A bridge is needed over the little Vartry River.
- WCC has not adhered to its settlement strategy for level 6 rural towns as only 8 units needed.

## 5.5. **Prescribed Bodies.**

- 5.5.1. There were no submissions following section 131 notices to the following bodies: Development Applications Unit, The Heritage Council and An Taisce.

## 6.0 **Assessment**

### 6.1. **Introduction**

- 6.1.1. This proposal relates to a mixed used development in Newcastle – a small town/village in county Wicklow and in the rural hinterland of the Dublin Metropolitan area. The appeal is by a third-party resident of the village against the decision to grant permission. The appeal is supported by another resident who claims that the residents of the area are opposed in principle to the development on similar grounds.
- 6.1.2. The issues can be dealt with under the following headings:
- Principle of development and density
  - Infrastructural capacity
  - Access and traffic
  - Flooding
  - Impact on village amenities
  - Other matters: archaeological .
  - Appropriate Assessment.

### 6.2. **Principle of use and density**

- 6.2.1. National policy advocates compact growth in serviced areas. In order to achieve sustainable development growth, centres for population are targeted in larger growth towns subject to phasing and primarily where there is rail-based services so as to prevent a commuter town lacking in sufficient local services. Newcastle in a regional context, by reference to the Regional Planning Guidelines for the Greater Dublin Area does not fit the profile for a major growth centre. With a population at less than 1000, its land use pattern and range of services, it is more of a large village in this rural hinterland of the Dublin Metropolitan area. The development plan classes it as a level 6 small rural town which is the smallest in its settlement hierarchy yet important in its role in supporting the rural hinterland. Accordingly, in line with regional and national policy, the development plan provides for limited and phased



development proportionate to the town. In more precise terms the plan requires that no single application shall increase the existing housing stock in the settlement by no more than 15% and the maximum size of development that will be considered will be 25% of the number of houses permissible over the life of the plan for that settlement.

- 6.2.2. In this context, the scale of the development at 34 residents units accords with the core strategy of the Development Plan in providing for a modest increase in population and is I consider within acceptable limits in terms of scale by reference to national policy regarding population growth.
- 6.2.3. The proposal as a mixed used development also complies with the growth strategy for providing a balance of employment opportunities and services as part of the gradual expansion of smaller towns and villages.
- 6.2.4. In terms of urban form in line with the core strategy, while the application site spans both primary and secondary development areas, the footprint of the development is concentrated in the primary area. The exception to this is the part of the site that is alongside the river and which is to be kept free from the development envelope so as to provide for a linear park and is ultimately in a format that benefits the town in line with the specific development plan objectives for Newcastle.
- 6.2.5. There are two aspects to the emerging urban form – one relates to the character of the area and the other relates to achieving a density that is sustainable. While the density is low, regard must be had to the land use objectives for a town park and the potential to enhance village amenity along the riverbank and also to protect the rural character of this level 6 town though the part incorporation of three storeys in a town characterised by older single and two storey houses. The scale and design respect this character while providing for a more efficient use of land than originally proposed. In considering the scale and form, I note the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) which advocate striking a balance between the need to protect amenities and consolidate serviced areas. They state that ‘The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets’. While acknowledging the need for infill residential

development it is also stated that 'The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.'

- 6.2.6. The density has been marginally increased from 19/ha by virtue of reducing the site and is still quite low in a national context. The intensity as expressed in terms of plot ratio has for example been increased from 0.23 to 0.43 by also adding a third storey. Of particular relevance is the reference in the guidelines to context for density: 'The density for edge of small towns is considered appropriate in certain circumstances to be as low as 15-20 dwellings per hectare as long as it does not represent more than 20% of new planned housing stock.' In this case the projected housing need is 158 units and while 34 units is within the development plan increase of 25%, I note that 20% of this projected need would be 32 units. Having regard to the life of the plan and housing policy such as that contained in the rebuilding Ireland Action Plan for Housing and Homelessness, I consider this quantum to be within acceptable limits. On balance, I consider two and three storey form in the density proposed is appropriate to the scale and form of this rural town.
- 6.2.7. In terms of street and parking layout and pedestrian connectivity, the development has been modified and subject to a DMURS audit and I am satisfied does not unduly compromise an appropriate compact form of expansion of the area. I am satisfied that it provides for prioritising pedestrians and cyclists within the development and also allows for future integration into networks. I note for example capital investment into placemaking and networking in Newtownmountkennedy to the west. .

### 6.3. Infrastructure

- 6.3.1. In the first instance there is a dispute regarding PE demand and capacity calculations. It is explained by the applicant that the projected demand is less than 100 and that this is based on a rate of 2.7 persons per unit of which there are 34 dwellings (and 6 commercial units) and not 48 as indicated by the appellant. This rate is stated to be in accordance with the Codes of Practice for Irish Water. I consider the projected demand by the applicant and as accepted by Irish Water to be reasonable.
- 6.3.2. One of the key issues raised by the observing party is the limited capacity of the wastewater treatment plant and impact on water quality. This is supported by the

observation by Inland Fisheries Ireland in respect of the failure of the plant to comply with the EVLs in the license and to the limited organic capacity of the plant. Irish Water in its report of 12/5/20 confirms however that there is capacity in the plant for the development proposed. It is also specifically confirmed that the development is not likely to cause overloading potentially impacting receiving waters.

6.3.3. I note the development plan acknowledges the limitations of infrastructure and the phasing of development through primary secondary and tertiary tracts of land is intended to pace development in line with infrastructure. In this regard the development which is concentrated in the Primary zoned land, accords with the strategy of appropriate phasing of development subject to improvement of the treatment plant as anticipated at the time (2016). I note in the license application form dating back to 2013 which would have informed the development plan that there were capacity issues and that upgrading works were intended to be completed by 2019. It is not entirely clear as to what extent works have been completed although some works have been completed which is the likely explanation for the change in circumstances. The email correspondence appended to the grounds of appeal, for example, refers to various upgrade work in 2018 and improved performance and that there is no issue with discharge but that there is an issue relating to agricultural discharge upstream.

6.3.4. I also refer the Board to the more recent Irish Water's Annual Environmental Report 2019 - Newcastle D0410-01. The report summaries the treatment capacity in section 2.4.2 and states that the organic capacity (PE) as constructed is 1000 and that the remaining capacity is 112 PE and that the capacity was not expected to be exceeded within the next three years. The effluent monitoring summary indicates that the WWTP is compliant with the ELVs set in the Wastewater Discharge license, however the ambient monitoring relating to monitoring data upstream and downstream highlights the following significant findings:

- The WWTP discharge was not compliant with the ELV's set in the wastewater discharge licence.
- The ambient monitoring results does not meet the required EQS. The EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009.

- Based on ambient monitoring results a deterioration in BOD, Ammonia & Ortho-P concentrations downstream of the effluent discharge is noted.
- A deterioration in water quality has been identified, however it is not known if it or is not caused by the WWTP.

6.3.5. This document also however reports that improvements (to provide waste activated sludge system and sludge holding to provide optimisation of the treatment process, maximise operations and minimise ammonia failures) had been completed in April 2019 but the Tertiary Treatment improvement programme had not commenced at time of report. It further states that the improvement programme will be reviewed by Irish Water to assess the works required to comply with the license condition on a prioritised bases.

6.3.6. Further to this, the more recent Irish Water Investment Plan 2020-2024 includes the Upgrading of Newcastle (Wicklow) WWTP in the Capital Maintenance Programme and this is stated to be targeted at maintaining existing network and treatment assets in order to protect environment and quality of receiving waters and facilitate growth.

I consider the available capacity together with the ongoing monitoring and programme of upgrading support the case that the development can be accommodated. If the Board is of a mind to grant permission, as an added precautionary measure it could be conditional on the completion of the tertiary works although I do not consider the development to be of a scale to warrant this restriction.

#### 6.4. **Access and Traffic**

6.4.1. The access has been relocated to the existing car park entrance in the course of the application to the planning authority. Sightlines of 49m are feasible (as indicated in Drawing nos. -200802-PIN-xx-DR-D0002-S1-P01 submitted on 5/10/20 by PA as FI and as clarified in P200802-PIN-XX-DR-D-0003-S1). The modifications to the road layout are generally in accordance with DMURS and this arrangement is less intrusive in terms of cutting and traversing the Village Park. Access to the existing car park is to be provided as a secondary access. I am satisfied that the entrance is

in more suitable location in terms of compatibility with the development plan objectives and protecting and providing amenities of the village as it consolidates.

- 6.4.2. I note that the Municipal District engineer in his report of 15<sup>th</sup> January 2020 states that the R761 needs works to be undertaken to fully ensure adequate sightlines prior to commencement of development. The applicant however states that the drawings indicate feasibility but that the realignment works are not part of the application. I consider in these circumstances a section 48(c) special contribution is necessary to ensure the provision of works that will facilitate the proposed development will be completed in the interest of traffic safety and orderly development.
- 6.4.3. In terms of traffic safety I note that the traffic analysis demonstrates that the R761 has capacity to absorb the development. In this regard I note the scope of the PICADY analysis and the Ratio to Flow Capacity for the year 2037 with development adds 0.034 which is well within acceptable capacity limits for the road network. I am satisfied that the quantum of traffic together with the junction arrangements (and potential for enhancement of traffic safety measures) are not at a level or nature that would be prejudicial to public safety.
- 6.4.4. In terms of the wider road network there are concerns about the capacity for housing development. While I note the road connecting to the N11 is a tertiary country road I do not consider the quantum of development to be of an order that would significantly alter the carrying capacity of road network. Furthermore as raised previously in this report the development substantially relates to the primary development area which has been subject to the SEA. The development I note does provide for improved alignment of the Main Street in terms of footpaths, sightlines and traffic calming as set out in the revised drawings. This is I consider a positive development in terms of traffic safety and as advocated by the planning authority. I also note that in the further information the applicant clarifies that the car parking area for the Castle Inn Public House which fronts the Main Street is to cease being used as a car park and patrons will be served by the reduced car park to the rear – subject of the application. This rationalisation of space and parking arrangement is also a positive development in terms of traffic management and safety. Finally in respect of the concerns about construction traffic, as this will be temporary in nature and subject to an agreed construction management plan, I do not consider that it will give rise to undue or unreasonable disruption. On balance I do not consider there

are reasonable grounds to refuse permission on the basis of the road network or traffic hazard.

## 6.5. Flooding

- 6.5.1. One of the third parties raises concerns about flood risk and the impact on his property. The Newcastle Stream channel to the north of the site is in Flood Zone B however the footprint of the development is within Flood Zone C and I note that the planning authority is in agreement with the applicant that no Justification Test is required. I accept that the proposed footprint of development is located in a low risk flood area and is also in a designated Primary Development area which is important for the orderly development of the village. I also note that the development plan in turn has been informed by a SEA and Strategic Flood Risk Assessment. Having regard to the Flood Guidelines a Justification Case is not therefore warranted. Notwithstanding these circumstances, the 3<sup>rd</sup> party has submitted photographic evidence of local flooding on the site in 2016. This places the feasibility of the site under further scrutiny. The planning authority however in its addendum to the planning report of 12/12/21 holds the opinion that this is most likely consequent on surface water – an event that would be improved by the drainage, attenuation and controlled outflow measures. In this regard I note the expansion of the soft river bank margin of 10m in width in place of part of the existing car park and the incorporation of SUDs measure. The importance of the detailed design is however underlined by the planning authority in ensuring this. The other cause would be from the stream bursting its banks and this is stated to be dependent on river channel management which does not appear to be the responsibility of the developer in this case.
- 6.6. Based on the information on file I consider it reasonable to conclude that subject to conditions that the proposed development will not increase flood risk elsewhere and has the potential to in fact reduce overall flood risk. I do not consider there is sufficient basis to refuse permission on grounds of flood risk on these primary zoned lands along the village Main street.
- 6.6.1. I do not consider there are any substantive issues with regard to drainage and flooding and am satisfied the detailed requirements can be addressed by condition.

## 6.7. Visual Impact and Village character

6.7.1. The third party submissions refer to the unpopularity of the scheme among the residents of the area. A key reason for this is based on the loss of an amenity space for rural community events such as fairs and rural competition events in addition to the visual incongruity of the scheme and ultimately the overall loss of an intrinsic rural character defined by open fields. With respect to the principle of development I would emphasise that the location of the development area together with the scale of development, is in accordance with the provisions of the development plan and national guidance but at lower levels of intensity. I also refer to section 6.10 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) which state: “The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets.” It is inevitable that this will result in a form of urbanisation in contrast to the surrounding rural environs. However, while acknowledging the need for infill residential development it is also stated that “The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general of the area and its amenities.’ Having regard to the existing pattern of development and notably the adjacent development which includes the public house on one side and the Chapel on the other along the Main street and the linear riverine intervening space between the houses and Main street together with the proposed landscaping I consider that the proposed scale of development can be assimilated into the town without crowding the existing residents. The traditional style is in keeping with the indigenous built form and character. While I accept that the increase of 34 residential units and 6 commercial units is significant in the context of the size of this town it is I consider of a quantum that is within acceptable limits based on proportionate phasing guidance. The issue of community facilities for the town is I consider a matter more appropriately addressed in the development plan review. The scheme as revised however does minimise encroachment into the green field and achieve the realisation of a linear space with integrated active uses. I consider the addition of a seating area would further enhance amenities. On balance I consider the development would make a

positive contribution to the amenities of the town as it modestly grows in line with the Core Strategy and will not unduly detract from the visual amenities or character of the area.

## 6.8. Other Matters

- 6.8.1. Inland Fisheries raise concerns about works along the river. It is important to clarify that the proposal does not involve any works along or across the river and that it is stated that there is to be a 10m buffer. There is an existing pedestrian footbridge and while additional pedestrian links are proposed - for example, the public notices refer to a new pedestrian access to serve the public house, but this appears to be through the grass margin between the footbridge and the car park. While I am satisfied that the submitted drawing and details do not provide for any additional footbridge a condition of permission clarifying this scope of works may be appropriate.
- 6.8.2. The land holding as opposed to the development site falls within a zone of archaeological interest associated with the original Newcastle settlement to the west. While it is unlikely that there are significant remains, I consider a condition of permission providing for survey and monitoring to be appropriate.

## 6.9. Appropriate Assessment – Screening

- 6.9.1. An Appropriate Assessment Screening report was submitted to the planning authority as part of further information. Adherence to the following steps is required as part of the screening process for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:
1. Description of the plan or project and local site or plan area characteristics.
  2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
  3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
  4. Screening statement with conclusions.

### Project Description and Site Characteristics



- 6.9.2. The proposed development is as described in this report and in the application submissions and notably relates to a considerably reduced area and allows for a linear park along the southern side Newcastle stream. There is a car park and intervening grassed embankment and footpath along the southern bank of the stream at present and this is fenced off from the stream by a decorative railing with the exception of the footbridge over the stream. There is also a field access and hardcore area to the north west of the car park . This is where an extended soft margin is proposed in addition to a reduction in the existing car park surface. The proposed houses are at distances of around 32m- 42m south of the stream.
- 6.9.3. The scheme incorporates SUDs measures including a overflow Attenuation tank. The foul effluent discharge relies on a connection to the Newcastle Waste Water Treatment Plan – a facility licensed by the EPA and subject on ongoing maintenance works. There is requirement to provide a larger connection pipe than existing and accordingly the development involves pipe laying working along the Sea Road.
- 6.9.4. The landscape plan has been modified in the course of the application and notably excludes cherry laurel and includes use of non-invasive spaces. Best practice measures in accordance with Guidelines on the Management of Noxious Weeds and Non-native plant species on National Road Schemes (2010) as updated will be adhered as part of these measures.
- 6.9.5. The water mains supply is proposed from the Vartry Reservoir. A potential hydrological connection to a European Site is raised by the planning authority which relates to the water abstraction servicing the Vartry Reservoir and its impact on Carriggower Bog SAC (site code 000716). Water abstraction is identified as a potential pathway to the qualifying interest of Transition Mires and Quaking Bogs. However it is identified that the water mains supply from the Vartry Reservoir is available and there is sufficient capacity to cover expansion. It is I note subject to further capital investment works. I accordingly concur with the planning authority there would be no discernible impact in this regard and that it is, in this case, outside the zone of influence.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:

- 6.9.6. The site is not located within any European site. There are two sites identified potentially within the zone of influence of the proposed development based on

proximity and potential hydrological links. The Murrrough SPA (Site Code 004186) is nearest. The Newcastle Stream partly bounding the development site feeds into both the Murrrough SPA and Murrrough Wetlands SAC (Site Code 002249) and is about 1.5km downstream and northeast of the site from where it flows in the direction of the sea.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
Murrrough SPA Site Code 004186	1km directly east and 1.5km downstream from the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Red-throated Diver ( <i>Gavia stellata</i> ) [A001] Greylag Goose ( <i>Anser anser</i> ) [A043] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Wigeon ( <i>Anas penelope</i> ) [A050] Teal ( <i>Anas crecca</i> ) [A052] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Herring Gull ( <i>Larus argentatus</i> ) [A184] Little Tern ( <i>Sterna albifrons</i> ) [A195] Wetland and Waterbirds [A999]
Murrrough Wetlands SAC Site Code 002249	1.4km directly east and 1.5km downstream from the site.	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:  Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] (priority habitat) Alkaline fens [7230]

Assessment of likely Effects:

- 6.9.7. There is limited potential for contamination on the adjacent watercourse arising from the construction works and an increase in sediment load. The proposal also feeds into the Newcastle Wastewater treatment plant which discharges to the Newcastle Stream.
- 6.9.8. The applicants Screening Report identifies there are no possible effects based on the distance of the works from the stream . It is also pointed out that a number of Best Practice Measures for working near water (NRA, 2009, IFI 2016) are to be applied at all stages of construction and these measures are contained in Appendix 1 of the Screening Report.
- 6.9.9. In terms of loading of the WWTP this has been addressed already in this report and in the context of adequate capacity in the plant I do consider a connection to the foul sewer is a likely source of impact. The proposed replace of pipe work along the road would also be similarly carried out in accordance with the Best Practices measures for such work which are consistent with routine maintenance and outside the any European site.
- 6.9.10. The surface water drainage is stated by the technical department of the planning authority to be sufficiently well designed to minimise any potential impact on the Newcastle Stream from operation phase threats. The plans also acknowledged by the planning authority to provide a significant buffer zone between the construction activities and the stream. Although it is identified that there are no plans provides to indicate construction run-off control, sedimentation or pollution, Appendix 1 of the Screening report outlines best practice guidance are accepted as measures to be adopted during the construction stage.
- 6.9.11. Having regard to the nature and scale of the proposed development - a residential development on serviced land within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site
- 6.9.12. In terms of cumulative impact an existing construction project is under way to the north of the site and this relates to 4 detached houses with private WWTP with all works set back at least 8m from the Stream and to be completed prior to

commencement of subject development. Having regard to the Best Practice Measures, scale and phasing this is not considered to result in any cumulative impact of significance.

- 6.9.13. having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the The Murrough SPA (Site Code 004186) Morrough Wetlands SAC (Site Code 002249)).

Screening Statement and Conclusions:

- 6.9.14. It was concluded in screening assessment that significant effects can be ruled out on the The Murrough SPA (Site Code 004186) Morrough Wetlands SAC (Site Code 002249)). Appropriate Assessment is not required.
- 6.9.15. In conclusion having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Murrough SPA (Site Code 004186) Morrough Wetlands SAC (Site Code 002249)).

## 7.0 Recommendation

- 7.1. I recommend that permission be GRANTED for the proposed development in accordance with the submitted plans and particulars as amended base don't the following reasoned consideration based on the following reasons and considerations set out below.

## 8.0 Reasons and Considerations

Having regard to the location of the proposed development substantially within a Primary Development Area as delineated in the Newcastle Settlement Strategy 2016-2022, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this rural hinterland location, would not seriously injure the residential or visual amenity of the area, would not detract form the character of the town, and would be acceptable in terms of urban design , height,

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

## 9.0 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 5<sup>th</sup> day of October 2020 and as clarified by further plans and particulars submitted on the 18<sup>th</sup> 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 the 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 the commencement of development, details of all materials, colours and textures of the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority. In this regard the following shall apply:
  - (a) The roof tiles shall be blue/black slate unless otherwise agreed in writing with the planning authority.
  - (b) The external walls shall be rendered and coloured in accordance with details lodged on 5<sup>th</sup> October 2020.
  - (c) Stone finishes shall be natural and not be substituted with reconstituted stone. Details including samples shall be submitted to the planning authority (or arranged for inspection on site) for prior written agreement.

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

3. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority a final landscape plan in

accordance with the Landscape Masterplan as submitted on 5th October 2020 and to include the following:

- (a) A street plan which clearly demonstrates the constructed tree pits in plan and section format and position and height of lamp standard and underground services.
- (b) Mature trees and hedgerows to be retained where possible and protected during construction works.
- (c) Full details of street furniture, lighting and facilities which shall include a seating area for residents.
- (d) Full details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (e ) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The soft landscaping plan shall be implemented within the first planting season following substantial completion of construction works and all landscaping shall be completed prior occupancy of first dwelling. The maintenance of the open space shall be carried out by the developer for at least one year from completion of dwellings and shall not cease prior to all vegetation being established. All planting and hedges and trees to be maintained shall be adequately protected from damage and in the case of new planting unit established. Any plants which die or are removed or become seriously damaged or diseased within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

- 4. (a) All rear gardens of houses shall be screened from the public road frontages within the development by the provision of 2m high walls as detailed in the landscape plans.

- (b) Privacy walls of 2m in height shall be provided between adjacent houses for a depth of 4m as measured from the respective rear building lines in the case of adjoining dwelling and 8m from the side passage gates in the case of dwellings separated by side unless otherwise modified by written agreement with the planning authority
- (c) Having regard to (a) and (b) all rear gardens shall otherwise be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

All such works shall be complete prior to occupancy of dwelling.

**Reason:** in the interest of residential and visual amenity.

- 5. This grant of permission does not provide for any additional footbridge works across the Newcastle Stream. Such works if required shall be subject of a separate grant of permission.

**Reason:** To protect the ecology of Newcastle Stream.

- 6. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) Soil and subsoil cross-sections.
- (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.
- (c) The relationship of the proposed mounding to the existing vegetation and surrounding landform on the lands.

Development, including landscaping required by condition number XX of this order, shall be carried out in accordance with the approved earthworks plan.

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

7. Prior to commencement of development the developer shall submit for prior written agreement of the planning authority, mapped details of the open space areas for the exclusive use by the residents together with details of its ownership and management to facilitate its ongoing use as a residential amenity in perpetuity.

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

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

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

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

10. (a) Eight of the proposed dwellings, when completed, shall be first occupied as a place of permanent residence for persons who comply



with the Settlement Strategy for Level 6: Rural Towns as set out in the County Development Plan 2016-2022 , and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the similar category of housing need. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the housing meets local growth needs in accordance with settlement strategy of the county development plan and the proper planning and sustainable development of the wider region.

11. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water. This permission does not commit Wicklow county Council to the provision of water services to serve the proposed development.

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

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

All contaminated roof and surface water drainage shall be collected via a separate storm water system and attenuated on site and full design details satisfying the requirements of the Greater Dublin Strategic

Drainage Study shall be submitted for written agreement of the planning authority prior to commencement of development. On no account shall water surface run-off be allowed discharge onto the public road to, the public foul sewer or adjoining properties. In order to provide volume reduction and source control of pollutants, the submission shall include proposals for Sustainable Urban Drainage Systems (SUDS) in compliance with GDSDS requirements. All SUDS proposed must include provision for emergency overflow should unforeseen ground conditions limit their efficiency.

**Reason:** In the interest of public health and proper planning and sustainable development.

13. The finished floor levels shall be as detailed on the site layout plan submitted on 18<sup>th</sup> December 2020 (Drawing entitled 'Proposed Site Layout') unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and orderly development.

14. 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

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

15. 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 house.

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

16. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

17. The development shall comply with all requirements of the planning authority in relation to roads, access, lighting, cycle paths/street and parking arrangements. In particular:
- (a) The roads and traffic arrangement serving the site (including signage) and the proposed realignment of the access junction at Main Street/R761 shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The gradient of the estate road shall not exceed 1 in 40 for a minimum of 6metres from its junction with the public road
  - (c) The details of pedestrian crossing facilities and associated infrastructure including any signalisation and associated ducting at shall eb agreed in writing with the planning authority prior to commencement for construction.
  - (d) The roads layout shall comply with the requirements of the Design Manuals for Urban Roads and streets in particular carriageway width ad radii.
  - (e) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such works, and
  - (f) A detailed construction traffic management plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The planning shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound storage of plant and machinery and the location of storage of deliveries to the site.

**Reason:** In the interest of traffic, cyclist and pedestrian safety and to protect residential amenity.

18. All of the communal parking areas serving the residential units shall be provided with functional electrical vehicle charging points and all of the in-curtilage spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

19. The construction of the development shall be managed in accordance with the construction management plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The plan shall provide details of the intended construction practice for the development, noise management measures and the location of site compounds.

**Reason:** In the interest of public safety and residential amenity.

20. (a) Full details of all external signage for the commercial premises and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external signage shall consist of individual lettering of an appropriate scale.

(b) No advertising structures, advertisements, security structures, or other projecting elements including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and to restrict the extent of advertising signage in the area.

21. The Developer shall comply with the following requirements

(a) All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glazing. The use of film is not permitted.

- (b) No dwelling shall be occupied until all services have been connected and are operational.
- (c) Each proposed residential unit shall be used as a single dwelling unit.

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

22. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

23. Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to and agreed in writing with the

planning authority prior to commencement of development. Thereafter all estate and street signs and house/apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features or other alternatives acceptable to the planning authority. No advertisement. Marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s.)

**Reason:** To protect the character of the area.

24. Trees to be removed on site shall be felled in late summer or autumn.  
Hedgerows to be removed shall be removed outside of bird nesting season:

**Reason:** In the interest of nature conservation.

25. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

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

26. (a) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998]. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.
- (b) On completion of the development or each phase thereof and prior to taking in charge of the development, as constructed drawings of the development to the requirements of (a) shall be supplied to the Council on format agreeable to the planning authority and shall not be scanned images. They shall show the as constructed position of each house, road, watermain (including location of sluice valves, scour valves, air valves and hydrants) foul

and surface water sewers (including gullies and invert levels of manhole to ordnance datum) and all pipe sizes and they shall show the Irish National Grid coordinates of the four corners of the drawings and shall be relative to the Irish National Grid.

**Reason:** In the interest clarity and proper maintenance of infrastructure

27. 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 the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the 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 any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation

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

28. Prior to the 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 of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

29. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as

amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

30. The developer shall pay to the planning authority a financial contribution of €318,960.00 (three hundred and eighteen thousand nine hundred and sixty euro) 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. The application of any indexation required by this condition 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.

**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.

31. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of realignment works along the R761 to improve sightlines and safety. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be



updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

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**Suzanne Kehely**

**Senior Planning Inspector**

**24<sup>th</sup> September 2021**