



An
Bord
Pleanála

Inspector's Report ABP-310165-21

Strategic Housing Development

Alterations to previously permitted SHD ABP-305773-19 for change of use from amenity area space on the 5th floor of Block B to three number one-bedroom apartments.

Location

"Glenheron C", Greystones, Co.
Wicklow

Planning Authority

Wicklow County Council

Applicant

Cairn Homes Properties Limited

Type of Application

Section 146B

Prescribed Bodies

Department of Housing, Local
Government and Heritage
Transport Infrastructure Ireland

Observer(s)

None on file

Inspector

Sarah Moran

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Appendix I EIA Screening Form

1.0 Introduction

- 1.1. An Bord Pleanála received a request for alterations to a previously permitted development reference ABP-305773-19 on 7th May 2021, from McGill Planning on behalf of Cairn Homes Properties Limited to alter the permission granted for 354 no. residential units (124 no. houses, 230 no. apartments) and associated site works, on lands at Glenheron, Greystones, Co. Wicklow. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B(2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requestor to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 16th November 2021, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration

2.0 Site Location and Description

2.1. The development site is located in the Charlesland area on the southern side of Greystones, c. 3 km south of the town centre and approx. 1 km west of the coastline. It is accessed via the R774/L1121, the southern access route to Greystones from the N11, which is a dual carriageway at this location. The site has a stated area of c. 9.529 ha and is undeveloped lands. The topology is undulating, and the lands are at a slightly lower level than the R774. The Charlesland area is characterised by recent residential development including the Glenheron, Eden Gate, Eden Wood and Seabourne View developments. These developments generally consist of suburban housing of 2-3 storeys and apartments in 2-5 storey blocks. There is a neighbourhood centre nearby to the north west of the site, on the opposite side of the R774, which contains a supermarket, local shops and neighbourhood facilities including a doctor's surgery and a pharmacy. There is a new primary school to the north of the development site, also on the opposite side of the R774. There is a sports complex (the Shoreline Sports Centre) nearby to the south of the site, which is accessed via an unnamed local road off the R774. This local road bisects the southern end of the development site and also serves further zoned lands to the west of the development site. The Charlesland Golf Club is to the immediate east of the development site. There is an existing foul wayleave along the northern and eastern site boundaries.

3.0 Legislation

3.1. Section 146B (1)

Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

3.2. Section 146B (2)

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request

relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.3. Material Alteration

Section 146B (3) (b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a determination under subsection (3) (b) (ii), the Board shall determine whether the extent and character of —

(a) the alteration requested under subsection (1), and

(b) any alternative alteration it is considering under subsection (3) (b) (ii) (II)

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in subsection (3) (b) (ii) —

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3) (b) (ii), or

(b) is likely to have such effects, the provisions of section 146C shall apply.

(8) (a) Before making a determination under subsection (3) (b) (ii) or (4), the Board shall —

(i) make, or require the person who made the request concerned under subsection (1) to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

3.4. Section 146(C)

146C (1) This section applies to a case where the determination of the Board under section 146B (4) is that the making of either kind of alteration referred to in section 146B (3) (b) (ii) is likely to have significant effects on the environment.

4.0 Policy Context

4.1. Section 28 Ministerial Guidelines

4.1.1. Having considered the nature and extent of the proposal, the receiving environment and the documentation on file, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Height Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including the associated Technical Appendices)

4.2. Wicklow County Development Plan 2016-2022

4.2.1. The development site is zoned 'Objective A' – To protect and/or improve residential amenity. The Inspector's Report of ABP-305773-19 sets out relevant development plan provisions in detail.

4.3. Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

4.3.1. The development site is within the boundary of the Greystones-Delgany and Kilcoole LAP. The LAP was adopted by the elected members of Wicklow County Council on 2nd September 2013, to take effect on 29th September 2013 and remains in force.

4.3.2. Several zoning objectives apply to the overall development site. The eastern side of the residential site has the zoning objective R22: Residential – 22 units / ha:

To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity.

The western side of the residential site has the zoning objective CE: Community and Education:

To provide for civic, community, institutional, health, educational facilities and burial grounds.

The lands within the development site west of the unnamed access road have the zoning objective E: Employment:

To provide for economic development, enterprise, industry, distribution, warehousing and employment.

4.3.3. The Inspector's Report of ABP-305773-19 sets out relevant LAP provisions in detail.

5.0 Parent Permission ABP-305773-19

5.1. The development permitted under ABP-305773-19 on 19th February 2020 involved the following:

- 354 no. residential units comprising: 124 no. two storey houses (13 no. two-bed; 93 no. three-bed and 18 no. four-bed); two no. apartment blocks (5-6 storeys in height) comprising 170 no. units (36 no. one-bed, 123 no. two-bed and 11 no. three-bed), concierge, security room, and communal amenity room; 60 no. duplex apartments (30 no. two-bed and 30 no. three-bed). Provision of public, private and communal open spaces, car parking (456 no. spaces) and cycle parking (388 no. spaces) for the residential development.
- Employment development comprising a two-storey Community Enterprise building (1,356 sq.m.) and a two-storey office building (1,376 sq.m.), 91 no. parking spaces and 108 no. number bicycle spaces;
- Relocation of existing temporary bus parking facility to the western side of the unnamed local road leading to Shoreline Sports Park;
- Accesses to the development from an unnamed local road and via Seabourne apartment development to the north;
- Provision of pedestrian connections including across R774/L1221 to Charlesland Neighbourhood Centre;
- All associated site development works, drainage and infrastructural works, servicing (including 2 no. substations, bin stores), landscaping, open spaces, and boundary treatment works.

- 5.2. The Board granted permission subject to 22 no. conditions. Condition no. 3 specifies that the residential development shall be commenced subsequent to the completion of the permitted Community and Enterprise Centre and the Office development on the western part of the site. Condition no. 4 required the provision of a childcare facility on the ground floor of apartment Block A to cater for up to 52 childcare spaces with an associated open space play area. Condition no. 5 required a revised roads layout at the southern end of the site, to the satisfaction of Wicklow County Council, also additional cycle parking provision. The remaining conditions imposed did not involve any significant changes to the development.
- 5.3. The development permitted under ABP-305773-19 is part of a larger Glenheron development, which includes lands on the other side of the R774. The Board is referred to the Inspector's Report of ABP-305773-19, which provides details of the planning history of adjacent lands. The requestor refers to the development permitted under ABP-305773-19 as 'Glenheron C' in the context of the larger Glenheron lands.

6.0 Requested Alterations

- 6.1. The requestor is making a request to An Bord Pleanála for alterations relating to ABP-305773-19. The requested alterations are as follows:

- Change of use of permitted internal amenity space located on the fifth floor of Block B to three no. one bedroom apartments.
- Minor changes to the south west elevation of Block B.

The alterations are requested on the basis that the proposed additional residential units will meet existing housing demand in the area, in accordance with national and local planning and housing policies, and will improve housing mix in the area. It is also submitted that the proposed new residential units will result in the optimum use of the permitted floorspace as there is an abundance of high quality internal and external amenity space within the overall development such that the loss of the permitted amenity spaces will not result in any significant reduction in amenity for residents of the development. In addition, the requestor submits that the permitted communal amenity spaces would result in unused space at this location, are unlikely

to used frequently or consistently by future residents and therefore will result in dead, unattractive space on the top floor.

7.0 Concurrent S146B Request ABP-310199-21

7.1. The Board is advised that there is a concurrent S166B request to alter the terms of ABP-305773-19, ref. ABP-310199-21 for revision of condition no. 4 of ABP-305773-19 relating to provision of a creche; removal of permitted security cabin; extension of bin storage areas on the ground floors of Blocks A and B to accommodate plant rooms and change of use of permitted plant room on ground floor of Block B to a two-bed apartment.

8.0 Submission from the Planning Authority

8.1. There is no submission on file.

9.0 Observations

9.1. None on file.

10.0 Submissions of Prescribed Bodies

10.1. Department of Housing, Local Government and Heritage

10.1.1. The submission repeats the submitted comments of the DOH LG on ABP-305773-19 and states that these still apply in relation to the requested alterations. No new issues are raised.

10.2. Transport Infrastructure Ireland

10.3. States that TII has no observations.

11.0 Assessment

11.1. The following are considered to be the principal matters for consideration with regard to the requested alterations:

- Revised Housing Mix and Density of Development

- Provision of Communal Amenities
- Quality of Residential Accommodation
- Daylight and Sunlight
- Elevational Changes
- Car and Cycle Parking

These matters may be considered separately as follows.

11.2. Revised Housing Mix and Density of Development

11.2.1. The requested alterations will revise the permitted overall housing mix as follows (noting that ABP-310199-21 also involves an additional two bedroom apartment).

Unit Type	ABP-305773-19	ABP-310165-21 and ABP-310199-21
Houses		
2 bed house	13	13
3 bed house	93	93
4 bed house	18	18
Total Houses	124	124
Apartments		
1 bed apartment	36	39
2 bed apartment	123	124
3 bed apartment	11	11
Total apartments	170	174
Duplex Units		
2 bed duplex	30	30
3 bed duplex	30	30
Total duplex units	60	60
Total Units	354	358

11.2.2. The requestor has submitted a rationale for the proposed revised housing mix, which outlines demographic changes in the area (population increase) and local housing need. I consider that the requested addition of three no. one bed units, either alone or in combination with the additional two bed unit requested under ABP-310199-21, will not result in any significant change to the overall housing mix or residential density such as would warrant a reconsideration in terms of local, regional or national planning policy. I am satisfied that the resultant minor increase in residential density would result in a more efficient use of the overall lands and optimum use of this zoned, serviced site on several public transport routes and is therefore acceptable in principle subject to appropriate design and amenity standards, which will be assessed in detail hereunder.

11.3. **Provision of Communal Amenities**

11.3.1. The permitted communal amenity spaces that would be replaced by the proposed apartments have a total combined area of 148 sq.m. The requestor has submitted a rationale for the overall provision of public open space and communal amenity spaces in the scheme. There is a total public open space provision of c. 0.952 ha (c. 13.24% of the total site area). While the requested alterations involve the omission of c. 148 sq.m. of communal amenity space, the remaining 171 sq.m. of internal communal amenity space on the ground floor of Block B would be retained, such that there is an overall provision of 1,381 sq.m. of internal and external communal amenity space for Blocks A and B, which is well in excess of the quantitative requirements of the Apartment Guidelines. It is submitted that the permitted development is not 'Build to Rent' with consequent requirements for resident services and amenities, and this point is accepted. I am satisfied on this basis that the loss of the permitted communal amenity spaces within Block B will not result in any significant reduction in the residential amenities of Block B or of the overall development.

11.4. **Quality of Residential Accommodation**

11.4.1. The submitted documentation includes a Housing Quality Assessment such that the proposed three no. one bed apartments comply with the quantitative requirements of the Apartment Guidelines. The permitted communal amenity spaces had external terraces, which will now serve as private amenity spaces for the apartments. The

proposed apartments are single aspect east/west facing and will, along with the additional two bed apartment requested under ABP-310199-21, result in a minor decrease in the overall percentage of dual aspect units. The permitted development has 50% dual aspect units, which just meets the minimum 50% requirement for suburban or intermediate locations as stated in SPPR 4 of the Apartment Guidelines. Given that the proposed apartments are on the top floor of the block, with the west facing units overlooking public open space within the development and the east facing units overlooking the Charlesland Golf Club and towards the coast, single aspect units are considered acceptable in this instance. I am satisfied overall that the proposed new apartments will provide an acceptable standard of residential accommodation.

11.5. Daylight and Sunlight

- 11.5.1. The requestor has not submitted any Daylight, Sunlight and Overshadowing assessment of the proposed new apartments. Development plan section 5.4.5.1 states that development layouts:

Layouts shall ensure adequate sunlight and daylight, in accordance with "Site layout planning for daylight and sunlight: a guide to best practice", (BRE 1991)

Section 7.1 of the Guidelines on Sustainable Residential Development in Urban Areas states in relation to daylight and sunlight:

Overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. Planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals. The recommendations of "Site Layout ABP-308672-20 Inspector's Report Page 15 of 40 Planning for Daylight and Sunlight: A Guide to Good Practice" (B.R.E. 1991) or B.S. 8206 "Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting" should be followed in this regard.

The BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018) describe recommended values (eg. ADF, VSC, APSH, etc) to measure daylight, sunlight, and overshadowing impact, however it should be noted that the standards described in the BRE

guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that:

Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

While I note that the document British Standard (BS) 8206-2:2008 has since been withdrawn and that the publication of the guidelines been replaced by BS EN 17031:2018 'Daylight in Buildings', however, I am satisfied that this does not have a material bearing on the outcome of this assessment and that the relevant guidance documents remain those referenced in the Guidelines on Sustainable Residential Development in Urban Areas.

11.5.2. I do not consider the omission of a specific daylight, sunlight and overshadowing assessment is significant in this instance with regard to the specific characteristics of the requested alterations. The development has a suburban location. The proposed apartments are located on the fifth floor of Block B and are a substantial distance from any other structures. In addition, the BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones. The BRE guidelines are therefore clear that access to natural light is only one of many factors in site layout design.

11.5.3. I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation distances to adjacent structures. As such, I am content that daylight, sunlight, and overshadowing conditions for the proposed apartments will generally be within an acceptable range. While I acknowledge that the requestor has failed to carry out their own assessment of the numerical targets for daylight and sunlight in the proposed alterations, I am satisfied that considerations of daylight and sunlight have informed the proposed revised layout design in terms of separation distances, scale and aspect and I note in this regard the Daylight, Sunlight and Overshadowing Study submitted with ABP-305773-19. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. As such and noting that the guidelines

state that numerical targets should be applied flexibly (specifically ADF values of 1% to bedrooms, 1.5% to living rooms and 2% to kitchens), and that natural light is only one factor to be considered in layout design, I consider the alterations are in accordance with the BRE guidelines and therefore the associated requirements under the development plan and section 28 guidelines are satisfied.

11.5.4. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the requested alterations have been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within Greystones, Co. Wicklow, in accordance with national policy guidance, are in my opinion acceptable, are in compliance with the relevant BRE and BS standards.

11.6. **Elevational Changes**

11.7. I am satisfied that the proposed minor changes to the south west elevation of Block B will not have any significant impacts on visual or residential amenities such as would warrant a reconsideration of these issues.

11.8. **Car and Cycle Parking**

11.8.1. The permitted development provides 128 no. spaces for 170 no. apartments, a ratio of 0.75 spaces per unit. The subject request does not involve any changes to the permitted car parking layout, however the concurrent request ABP-310199-21 involves the omission of a security cabin on the northern side of the site and its replacement with three no. additional car parking spaces. The requested three no. additional car parking spaces would serve the three no. one bed units that are the subject of the current request, as well as the additional two bed unit requested under ABP-301199-21. The combined alterations would result in a provision of 131 no. spaces for 174 no. apartments or a ratio of 0.75 spaces per unit (taking the unit requested under ABP-310199-21 into consideration). The combined requested alterations therefore would not generate any additional car parking demand above that of the permitted development. The Board's attention is drawn to section 11.5.2

of the Inspector's report of ABP-305773-19, which considers car and cycle parking in detail, noting that the development site is considered to have an 'intermediate urban location' with regard to the Apartment Guidelines. The permitted car parking provision was considered acceptable on this basis that the development incorporates 8 no. car club spaces. I consider that the requested three no. one bed units, either alone or in conjunction with the additional two bed unit requested under ABP-310199-21 will not generate significant additional car parking demand over and above that of the permitted development, noting also the presence of bus routes and pedestrian/cycle infrastructure along the R774 and that the submission of TII states no objection to the requested alterations.

- 11.8.2. Condition no. 5(i) of ABP-305773-19 required additional cycle parking to be provided for the apartments such that the development complies with the requirements of section 4.17 of the Sustainable Urban Housing: Design Standards for New Apartments, this will also apply to the requested alterations.

12.0 Environmental Impact Assessment Screening

12.1. Under S146B(4), the Board must consider whether the requested material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii). The requestor has submitted an Environmental Report in respect of the requested alterations, dated 6th May 2021, which includes the information specified in Schedule 7A of the Planning and Development Regulations 2001.

12.2. Item (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 addition, item 13(a) of Schedule 5 Part 2 refers to changes and extensions to permitted developments: Any change or extension of development already

authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment.

- 12.3. The requested alterations will not result in an increase in size greater than 25% of the permitted development and I therefore conclude that the requested alterations are below the thresholds for mandatory EIAR, with regard to the minor nature of the requested alterations and to the matters discussed above.
- 12.4. An EIAR was submitted with the original application. The requested alterations seek to increase the number of units by 354 to 357 but involve no changes to the footprint, height, bulk or massing of Block B or to the overall site layout. There will be minor changes to the south west elevation of Block B that would not result in any significant new impacts on visual or residential amenities. The alterations will not substantially alter the density of the permitted development and will not diminish the standard of urban design or residential amenity achieved within the development. The construction methodology will remain the same, and the proposed alterations will not result in any material changes to the Construction and Environmental Management Plan (CEMP). There will be no changes to proposals for the disposal of surface or foul wastewater. Adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment. I am satisfied overall that no additional construction or operational phase impacts are anticipated, and no likely or potential impacts identified in the EIAR will be affected

by the requested alterations. No additional mitigation or monitoring measures are envisaged.

12.5. The development site is a greenfield site in a suburban area that is zoned and serviced and surrounded by existing residential areas. The nearest designated site is The Murrough pNHA / SAC, a coastal wetlands complex that stretches for 15 km Ballygannon to the north of Wicklow town and inland for up to 1km in places. The Three trout Stream is approx. 400m to the north of the site, has Salmonid status. Potential impacts on biodiversity relate to habitat removal; direct disturbance of species during construction activity and disturbance related to human activity at the completed development, e.g. lighting, pets; disruption of ecological corridors; impacts on bat roosts; surface water run-off and pollution of water courses through ingress of silt, oils and other toxic substances; pollution related to foul wastewater discharge from the development; damage to retained habitats, e.g. soil and tree roots, loss of bat foraging routes. Proposed mitigation measures include construction management measures, tree protection measures and habitat replacement by landscaping. The overall level of bat activity at the site is assessed as medium. A total of 11 no. trees at the site are assessed as potential bat roosts, seven of these are to be felled as part of the proposed development. Bat mitigation measures as outlined in the separate submitted Bat Report are to be implemented including bat boxes, dark zones and lighting design. No significant residual or cumulative impacts are expected. Other potential significant impacts identified in the EIAR, as summarised in section 12.6 of the Inspector's report of ABP-306773-19, relate to:

- Land and soil impacts, which will be mitigated by a CEMP; Construction Waste Management Plan and an asbestos remediation plan.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping.
- Traffic and transportation impacts, which will be mitigated by construction traffic management; a Mobility Management Plan and by the provision of pedestrian and cycle facilities.

- Archaeology impacts, which will be mitigated by monitoring during construction.

12.5.1. The requestor's Environmental Report considers the requested alterations with regard to the criteria at Schedules 7 and 7A as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It concludes that, having regard to the nature, extent, and the characteristics of likely impacts, the requested alterations to the permitted development do not constitute a project defined by Part 1 and Part 2, Schedule 5 of the 2001 Regulations as requiring an EIAR and would not warrant a sub threshold EIA in accordance with Article 103 of the 2001 Regulations. Having regard to the Environmental Report, to the other documentation on file and to the original permission ABP-305773-19, including the EIAR of same, I note that the requested alterations involve minor modifications to the permitted development and are of a nature and the size that are well below the applicable thresholds for EIA. The proposed additional residential units would be similar to predominant land uses in the area. The requested alterations will not increase the risk of flooding within the site. They would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats of conservation significance. The alterations will not result in any additional visual or cultural heritage impacts above those of the permitted development. The construction of the requested alterations will not involve any significant changes such that a revised Construction and Environmental Management Plan would be necessary. There have been no significant new developments permitted in the vicinity of the development site since the original permission and no significant interactions or cumulative impacts are envisaged.

12.6. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other relevant information on file, including the AA Screening Report. The EIAR submitted with the application assess the impact of the overall development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation

measures recommended, the development will not have a significant impact on the environment. I consider that the location of the requested alterations and the environmental sensitivity of the geographical area would not justify a conclusion that they would be likely to have significant effects on the environment. The requested alterations do not have the potential to have effects the impact of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the Environmental Report submitted with the subject request. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

12.7. I note the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the requestor is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I have had regard to the SEA of the statutory plans for the area in which the development site is located. I am satisfied, given the minor nature of the proposed alterations, that no other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive are directly relevant in this instance.

12.8. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

13.0 Appropriate Assessment

13.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

13.2. A Stage 1 AA Screening Report dated October 2019 was submitted with ABP-305773-19. The report was prepared in line with current best practice guidance and

provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential effects during construction and operation of the development are considered as well in combination effects of neighbouring developments. The screening is supported by associated reports submitted with the application, including the EIAR. The AA Screening Report submitted with ABP-305773-19 concluded, based on the best scientific evidence, that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and that a Stage 2 AA was not required.

- 13.3. An updated AA Screening Report dated October 2021 is submitted with the current request, which considers the requested alterations. This notes that there are no Natura 2000 sites within the immediate vicinity of the development site. There are no water courses on the development site and so there are no direct hydrological links to the Irish Sea. There are indirect hydrological pathways to the Three-Trouts Stream and the Irish Sea via surface water and wastewater. Wastewater will be treated in the municipal wastewater treatment plant for Greystones which discharges into the Irish Sea. There are no Natura 2000 sites in the catchment of the Three-trouts Stream or at its mouth at the Irish Sea. Beyond the vicinity of the mouth of the Three-trouts Stream in the Irish Sea, dilution occurs to such an extent that no perceivable impact can arise to any Natura 2000 site in the coastal zone. The distance from the mouth of the Three-trouts Stream to the Murrough Wetlands SAC, the nearest Natura 2000 site at this point, is 2.7km. Any pollutants entering the sea will be diluted to such a degree that no measurable impact could occur at the Murrough Wetlands SAC. In summary therefore, there is no terrestrial or hydrological pathway between the development site and any Natura 2000 site. The requested alterations will have no measurable impact on the wastewater and water demands arising from the development and will have no effect upon the loading to the Greystones WWTP. They will have no noticeable effect to the construction phase when compared with the permitted development. The updated AA Screening Report concludes that the requested alterations result in no change to the conclusions reached on previous applications at this site, and that, based on the best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any impact on any

relevant European site, either on their own or in combination with other plans or projects, in light of their conservation objectives.

- 13.4. Having reviewed the documents and submissions, I am satisfied that the information submitted allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.
- 13.5. The Board is directed to section 10.0 of the Inspector's Report of ABP-305773-19, which comprises an AA screening of the permitted development and concludes that, having regard to the nature and scale of the development, to the proposed foul and surface water treatment measures and construction mitigation measures, the nature of the receiving environment and proximity to the nearest European sites, it was reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives that and a Stage 2 AA was therefore not required. The Board also completed an AA Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the AA Screening Report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 AA was not, therefore, required.
- 13.5.1. I note the zoned and serviced nature of the development site and the fact that the requested alterations do not involve any significant amendments to site services or surface water drainage. Having considered the Board's determination on Appropriate Assessment on ABP-305773-19, section 10.0 of the Inspector's Report on ABP-305773-19, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-305773-19, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations requested, individually or in combination with other plans or projects (including the alterations currently requested under ABP-310699-

21), would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

- 13.5.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

14.0 Recommendation

- 14.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (III) refuse to make the alteration. As per the above discussion, the requested alterations are considered acceptable without any further amendments. I therefore recommend that the Board apply the provisions of section 146B(3)(b)(ii)(I) and make the requested alterations in accordance with the draft order set out below.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 7th day of May 2021 from Cairn Homes Properties Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of 354 no. residential units (124 number houses, 170 number apartments and 60 number duplex units); two story community enterprise building, two storey office building, relocation of existing temporary bus parking facility and associated site works at a site at Glenheron, Greystones, Co. Wicklow, the subject of a permission under An Bord Pleanála reference number ABP-305773-19.

WHEREAS the Board made a decision to grant permission, subject to 22 conditions, for the above-mentioned development by order dated the 19th day of February 2020,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the requested alterations are described as follows:

- Change of use of permitted internal amenity space located on the fifth floor of Block B to three number one bedroom apartments.
- Minor changes to the south west elevation of Block B.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the requested alterations would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the requested alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by the Board on the 7th day of May 2021.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

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

- (a) the policies and objectives set out in the Wicklow County Development Plan 2016-2022 and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;
- (b) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (c) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (d) the nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-305773-19;
- (e) the appropriate assessment and environmental impact assessment carried out in the course of this application;
- (f) the limited nature and scale of the alterations;
- (g) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the requested alterations;
- (h) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the requested alterations, and
- (v) the report of the Board's Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application and the Inspector's Report. In completing the screening exercise, the Board adopted the report of the Inspector and concluded

that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the requestor, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 (b) (i) and (iv) of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended),
- (b) the location of the site on land zoned “R22: Residential – 22 units/ha” in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and the compliance of the proposed development with the policies, objectives and development management,
- (c) the pattern of development on the lands in the surrounding area,
- (d) the availability of mains water and wastewater services to serve the development,
- (e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended),
- (f) 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),
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),
- (h) the features and measures proposed by the applicant to avoid or prevent what might otherwise be significant effects on the environment,

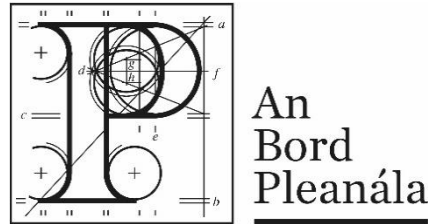
It is considered that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considers that the requested alterations would be material and would be generally in accordance with the provisions of the of the Wicklow County Development Plan 2016-2022 and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted development or the level of amenity that it would afford its occupants. The requested alterations would therefore be in keeping with the proper planning and sustainable development of the area.

Sarah Moran
Senior Planning Inspector
16th February 2022

Appendix A: EIA Screening Form



EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-310165-21
Development Summary		Alterations to permission ABP-305773-19 for the replacement of three no. permitted communal amenity areas on the fifth floor of Block B with three no. one bed apartments and associated works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report were submitted with the application

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

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

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

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

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

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No European sites located on the site. An AA Screening Report accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>any European site, in view of the sites Conservation Objectives.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective Zoning Objective 'R22 Residential '.
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _ Sarah Moran__

Date: __16th February 2022____

